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नई विल्सो, शनिवार, मई ३१, १९८६/ज्येष्ठ १०, १९०८

No. 22]

NEW DELHI, SATURDAY, MAY 31, 1986/JYAIKSTHA 10, 1908

इस भाग में भिन्न पृष्ठ तंत्रण वी जाती है जिससे कि यह असल तंत्रण के कथ में
रखा जा सके।

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—बाट ३—चर-बाट (II)
PART II—Section 3—Sub-Section (II)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आवेदन और अधिसूचनाएं
statutory orders and Notifications issued by the Ministries of the Government of India (other than the Ministry of Defence)

विधि और न्याय मंत्रालय

(विधि कार्य विभाग)

नई विल्सो, १२ मई, १९८६

पुनर्जन

का. आ. २९.—नोटरीज अधिनियम, १९५६ के नियम ६ के
अनुसरण में सथाय प्राधिकारी द्वारा यह घुचना वी जाती है कि श्री शेख शाली
हमन, इंडोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम ४ के
अंतर्गत एक आवेदन इस बात के लिए दिया है कि उसे कफ परेड कोलाहा
एवं एक सोहम्मद शर्फी रोड वॉर्क-३ अवश्यक करने के लिए
नोटरी के रूप में नियुक्त किया जाए।

२. उक्त अधिकारी के रूप में नियुक्ति पर किसी भी प्रकार
का अधिकृत डग घुचना के प्रकाशन के चौकह दिन के भीतर लिखित रूप
में सेरे पास भेजा जाए।

[म. ५(४९)/८६ न्या.]

आर. एन. पोहार, सम्राम प्राधिकारी

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

New Delhi, the 12th May, 1986

NOTICE

S.O. 2094.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956.

३२७ GI/85—१

(2323)

that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Shaikh Ali Hassan Advocate for appointment as a Notary to practise in Cuffe Parade Colaba Area and Mohammadali Road Area Bombay-3.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(49)/86-Judl.]

R. N. PODDAR, Competent Authority

ग्रह मंत्रालय

(ग्राहितिक सुरक्षा विभाग)

(पुनर्जीवन प्रभाग)

नई विल्सो, १६ मई, १९८६

का. आ. २०९५.—विष्यापित अधिकारी (प्रतिकर तथा पुनर्जीवन)
अधिनियम, १९५४ (१९५४ का ४४) की वारा ३ की उपधारा (१)
द्वारा प्रदत्त गतियों का प्रदोग करते हुए केन्द्रीय सरकार इसके द्वारा
पुनर्जीवन प्रभाग में अवर मन्त्रित श्री सुहम्मद ग्रसलम को उक्त अधिनियम के
द्वारा अधिकार उसके अधीन बन्दोबस्तु आयुक्त को सौंपे गए कार्यों के
नियावत उक्त बन्दोबस्तु आयुक्त करती है।

[मंस्का-१(३)/वि. मैल/८६-एस. एस.-II (क)]

जी. वी. एस. साही, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS
(Department of Internal Security)
(Rehabilitation Division)
New Delhi, the 16th May, 1986

S.O. 2095.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (No. 44 of 1954), the Central Government hereby appoint Shri Mohd. Aslam, Under Secretary in the Ministry of Home Affairs (Rehabilitation Division), as Settlement Commissioner, for the purpose of performing the functions assigned to a Settlement Commissioner by or under the said Act.

[No. 1(3)/Spl. Cell/86-SS.II(A)]

का. रा. 2096.—विश्वापित अधिकार (प्रतिकर तथा पुनर्वाप) अधिनियम, 1954 (1954 का 44) की धारा 34 की उप धारा (2) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए मृत्यु अन्वेषक इसके द्वारा पुनर्वाप प्रभाग में प्रवत्त सचिव श्री मुहम्मद अमलम को, जो 16-5-1986 की सामंज्यिक अधिसूचना द्वारा बन्दोबस्तु आयुक्त किए गए हैं, उसके अधिनियम की धारा 23 और 24 के अन्तर्गत अधीकार सुनने और पुनर्विचार प्रयोजनार्थ इन धाराओं की शक्तियाँ दीपने हैं।

[मंद्या-1(3)/वि. मे./86-ग. पा. II(व्य.)
बी. वी. पा. माही, मृत्यु अन्वेषक अधिकार]

S.O. 2096.—In exercise of the powers conferred by sub-Section (2) of Section 34 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954) the Chief Settlement Commissioner hereby delegates to Shri Mohd. Aslam, Under Secretary in the Ministry of Home Affairs (Rehabilitation Division) who has been appointed Settlement Commissioner vide Notification of even number dated the 16th May, 1986 the powers under Sections 23 and 24 of the said act for the purpose of hearing appeals and revisions under these Sections.

[No. 1(3)/Sol.Cell/86 SS.II(B)]

G. P. S. SAHIL, Chief Settlement Commissioner

कामिक, लोक शिक्षायत तथा वेगन संकालय
(कामिक भौत विभाग)
ग्रामेण

नई दिल्ली, 15 मई, 1986

का. रा. 2097.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 3 के द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, निम्नलिखित आवश्यकों को ऐसे अपराधों के रूप में वित्तीय दण्ड करती है जिनका अन्वेषण दिल्ली विशेष पुलिस स्थापन द्वारा किया जाएगा, शर्वतः—

- (अ) भारतीय दण्ड संहिता, 1860 (1860 का 45) की धारा 223 और 223 के प्रवीन इण्डनीय अपराध।
- (ब) उपरोक्त वित्त अपराध और उन्हीं तथ्यों से उत्पन्न होने वाले वैसे ही संव्यवहार के अनुक्रम में किए गए किसी अन्य अपराध के मार्ग में ये दण्डों में से क्रमानु प्रयोग, दृष्टिरूप और पड़यें।

[मंद्या 228/10/86-ग. बी. हो. (II)]

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS

(Department of Personnel and Training)

ORDERS

New Delhi, the 15th May, 1986

O. 2097.—In exercise of the powers conferred by section 3 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government hereby specifies the follow-

ing offences as offences which are to be investigated by the Delhi Special Police Establishment, namely:—

(a) Offence punishable under section 222 and 223 of the Indian Penal Code 1860 (45 of 1860).

(b) Attempts, abetments and conspiracies in relation to, or in connection with the offence mentioned above, and any other offence committed in the course of the same transaction arising out of the same facts.

[No. 228/10/86-AVD. III]

का. रा. 2098.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 6 के साथ पठित, धारा 5 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, भारतीय दण्ड संहिता की धारा 224 के प्रवीन इण्डनीय अपराधों के विशेष पुलिस थाना काग्रा बीच, अहमदाबाद सिटी में रजिस्ट्रीकूट सी. आर. संख्या 160 तारीख 3-4-86 की बाबत आरतीय दण्ड संहिता, 1860 (1860 का 45) की धारा 224 के प्रवीन इण्डनीय अपराधों और उन्हीं अपराधों और उन्हीं तथ्यों से उत्पन्न होने वाले वैसे ही संव्यवहार के अनुक्रम में किए गए किसी अन्य अपराध के संबंध में ये उनसे संबंधित प्रयत्नों, दृष्टिरूप और पड़यें के अन्वेषण के लिए, गुजरात सरकार की सहमति से, विलयी विशेष पुलिस स्थापन के मद्दतों की शक्तियाँ और अधिकारिता का विस्तार सम्पूर्ण गुजरात राज्य पर करती है।

[मंद्या 228/10/86-ग. बी. हो. (II)]

S.O. 2098.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government, with the consent of the Government of Gujarat hereby, extends the power and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Gujarat for the investigation of offences punishable under section 224 of the Indian Penal Code, 1860 (45 of 1860) and attempts, abetments and conspiracies in relation to or in connection with the said offences and any other offences committed in the course of the same transaction arising out of the same facts with regard to CR No. 160 dated 3-4-1986 registered at Police station Kogra Beach, Ahmedabad City under section 224 of the Indian Penal Code 1860 against Shri Hatjinder Singh alias Jinda.

[No. 228/10/86-AVD. III]

का. रा. 2099.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 6 के साथ पठित, धारा 5 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, भारतीय दण्ड संहिता, 1860 (1860 का 45) की धारा 223, 223, 225, 120-व्य और 114 के प्रवीन और आतंकवादी और विघ्नसंक कियाकलाप ((निवारण) अधिनियम, 1985 (1985 का 31) की धारा 3 और 4 के प्रवीन पुलिस थाना काग्रा बीच, अहमदाबाद सिटी में रजिस्ट्रीकूट सी. आर. सं. 161 तारीख 3-4-86 की बाबत आरतीय दण्ड संहिता, 1860 (1860 का 34) की धारा 222, 223, 225, 120-व्य और 114 के प्रवीन तथा आतंकवादी और विघ्नसंक कियाकलाप (निवारण) अधिनियम, 1985 (1985 का 31) की धारा 3 और 4 के प्रवीन इण्डनीय अपराधों और उन्हीं तथ्यों से उत्पन्न होने वाले वैसे ही संव्यवहार के अनुक्रम में किए गए किसी अन्य अपराध के संबंध में ये उनसे संबंधित प्रयत्नों, दृष्टिरूप और पड़यें के अन्वेषण के लिए, गुजरात सरकार की सहमति से, विलयी विशेष पुलिस स्थापन के मद्दतों की शक्तियाँ और अधिकारिता का विस्तार सम्पूर्ण गुजरात राज्य पर करती है।

[मंद्या 228/10/86-ग. बी. हो.-(2)]

S.O. 2099.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government, with the consent of the Government of Gujarat, hereby extends the power and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Gujarat for the investigation of offences punishable under section 222, 223, 225, 120-B and 114 of the Indian Penal Code, 1860 (45 of 1860) and under Section 3 and 4 of the Terrorist and Disruptive Activities (Prevention) Act, 1985 (31 of 1985) and attempts, abetments and conspiracies in relation to or in connection with said offences and any other offences committed in the course of the same transaction arising out of the same facts with regard to CR No. 161 dated 3-4-86 registered at Police Station Kogra Beach, Ahmedabad City under section 222, 223, 225, 120-B and 111 of the Indian Penal Code, 1860 (45 of 1860) and under section 3 and 4 of the Terrorist and Disruptive Activities (Prevention) Act, 1985 (31 of 1985).

[No. 228/10/86-AVD. II]

नई दिल्ली, 20 मई, 1986

का. आ. 2100.—केन्द्रीय सरकार, यह प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार की अधिसूचना संख्या 228/18/81-ए.टी.डी.-II तारीख 26 मई, 1981 में उल्लिखित श्री पी. एन. पांडे की नियुक्ति का अधिकार यहाँ हुए, श्री विनय शुण्ड अधिवक्ता, पटना उच्च न्यायालय को, पटना उच्च न्यायालय, पटना में दिल्ली विधाय पुस्तिकान के मामले से उल्लंघन होने वाली अपीलों या अन्य मामलों में उप संज्ञात होने और संचालन करने के लिए, विशेष नोंक अभियोजक नियुक्त करती है।

[म. 225/12/85-ए.वी. इ-II]

के.प्रार. गोपालराव, अधिकारी

New Delhi, the 20th May, 1986

S.O. 2100.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974) and in supersession of the appointment of Sri P. N. Pandey, mentioned in the Government of India notification number 228/18/81-AVD. II dated the 28th May, 1981, the Central Government hereby appoints Sri Binay Krishna Shukla, Advocate, Patna High Court as Special Public Prosecutor to appear and conduct appeals and other matters arising out of Delhi Special Police Establishment cases in the Patna High Court, Patna.

[No. 225/12/86-AVD. II]

K. R. GOPALA RAO, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 8 अप्रैल, 1986

आधिकार

का.आ. 2101.—आधिकार अधिनियम, 1961 (1961 का 43) की पारा 2 के बंद (4) के उपर्युक्त (III) के अनुसार में तथा भारत सरकार के दायक विभाग की दिनांक 12-11-84 की अधिसूचना नं. 6028 (का. त. 398/35/84-ए.टी.डी.) का प्रधिलिपन करते हुए, केन्द्रीय सरकार एवं द्वारा, श्री जी. भी. लाला का, जो केन्द्रीय सरकार के राजपत्रिका अधिकारी है, उक्त अधिनियम के अंतर्गत म.व. वसूली अधिकारी की शक्तियों का प्रदान करते हुए प्राविष्ट करती है।

2. यह अधिसूचना श्री जी. भी. लाला के कर वसूली भी. जारी के साथ में कार्यभार प्राप्ति किये जाने की तारीख से लागू होगी।

[म. 6650/का. ग. 398/7/86-ए.टी.डी.]
वी. इ. अर्वदज़ेड़, अध्यक्ष सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 8th April, 1986

INCOME-TAX

S.O. 2101.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961) and in supersession of Notification of the Government of India in the Department of Revenue No. 6028 F. No. 398/35/84-IT(B) dated the 12-11-84, the Central Government hereby authorises Shri G. C. Lala, being a Gazetted Officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from the date Shri G. C. Lala takes over charge as Tax Recovery Officer.

[No. 6650 (F. No. 398/7/86-IT(B))]

B. E. ALEXANDER, Under Secy.

नई दिल्ली, 22 मई, 1986

आधिकार

का. आ. 2102.—भारत सरकार के अपर सचिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी नियायालय, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विषय लग से राशनका नियाय दिया गया है, उक्त उपधारा के अधीन आविष्ण फा. सं. 673/170/85-सी.ए.गु.-III, तारीख 26-12-1985 यह नियोग देते हुए जारी किया था कि श्री प्रदीप मेहता, एस-33, कालकाजी, नई दिल्ली की केन्द्रीय जल, निहाइ, नई दिल्ली में नियुक्त किया जाये और अभिभक्ता में रखा जाये ताकि उस ऐसे किसी काम को करने से निवारित किया जा सके जो विदेशी मुद्रा वर्धन के लिए हानिकारक हो।

2. केन्द्रीय सरकार के पास मह विश्वास करने का कारण है कि पूर्वोक्त अधिकार ही नहीं है या अपने को छिपा रहा है जिससे उक्त अदिश का नियायालय नहीं हो सके; और

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के बंद (अ) द्वारा प्रदत्त ग्राम्यों का प्रयोग दर्शते हुए, यह नियोग देती है कि पर्वतिन व्यक्ति इस अधिकार के राज्यालय में प्रकाशन के 7 दिन के भोग्यु त्रिप्ति शायुवा, नई दिल्ली के समान दायित्र हो।

[का. भ. 673/170/85-सी.ए.गु. VIII]

New Delhi, 22nd May, 1986

ORDERS

S.O. 2102.—Whereas the Additional Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/170/85-Cus. VIII dated 26-12-1985 under the said sub-section directing that Shri Parveen Mehta, L-33, Kalkaji, New Delhi be detained and kept in custody in the Central Jail, Tihar, New Delhi with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange.

2. Whereas the Central Government has reason to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, New Delhi within 7 days of the publication of this order in the official Gazette.

[F. No. 673/170/85-Cus. VIII]

का.प्रा. 2103.—भारत सरकार के अपर सचिव ने, जिसे विवेशी मुद्रा संरक्षण और सरकारी निवारण अधिनियम, 1974 (1974 का 52) को धारा 3 को उपधारा (1) के प्रधीन विशेष रूप से सशक्त किया गया है, उक्त उपधारा के अधीन आदेश फा.सं. 673/180/85-सी.गु.-VIII, तारीख 31-12-85 का यह निवेश देते हुए जारी किया था कि श्री शिव रतन जालान, मुद्रा जालान, गुड़डी, 89 मोनोबार दास सेट, कलकत्ता, प्राकाश कमरा नं. 64, रविन्द्रा सरायी, दूसरी मंजिल, कलकत्ता को प्रेजीडेंसी बैल, कलकत्ता में निश्च कर लिया जाए और अभिरक्षा में रखा जाए ताकि उसे ऐसा कोई कार्य करने से निवारित किया जा सके जो विवेशी मुद्रा संबंधित के लिए हानिकारक हो।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति करार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके; और

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निवेश देती है कि पूर्वोक्त व्यक्ति इस शायेश के राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, परिषम बंगाल, कलकत्ता के समक्ष हाजिर हो।

[फा.सं. 673/180/85-सी.गु.-VIII]

S.O. 2103.—Whereas the Additional Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/180/85-Cus. VIII dated 31-12-85 under the said sub-section directing that Shri Shiv Ratan Jalan @ Munna Jalan, Guddi at 89 Mobohar Das St., Calcutta Residence at Room No. 64 of 263, Rabindra Sarani, 2nd Floor, Calcutta-7 be detained and kept in custody in the Presidency Jail, Calcutta with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange.

2. Whereas the Central Government has reason to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, West Bengal, Calcutta within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/180/85-Cus. VIII]

का.प्रा. 2104.—भारत सरकार के अपर सचिव ने, जिसे विवेशी मुद्रा संरक्षण और सरकारी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के प्रधीन विशेष रूप से सशक्त किया गया है, उक्त उपधारा के अधीन आदेश फा.सं. 673/14/86-सी.गु.-VIII, तारीख 19-2-86 यह निवेश देते हुए जारी किया था कि श्री मंत्रजय कुमार, मुमुक्षु व्यार्थी श्री दीवान रामवाल मिश्रामी मकान नं. 448, गली नं. 3, मोहल्ला कवलपुर, फगवारा रोड, होशियारपुर को केन्द्रीय जेल जालन्धर में निश्च कर लिया जाए और अभिरक्षा में रखा जाए ताकि उसे ऐसा काम की करने से निवारित किया जा सके जो विवेशी मुद्रा संबंधित के लिए हानिकारक हो।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति करार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके; और

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निवेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के राजपत्र में प्रकाशन के 7 दिन के भीतर महानिवेशक पंजाव पुलिस, चंडीगढ़ के समक्ष हाजिर हो।

[फा.सं. 673/14/86-सी.गु.-VIII]

S.O. 2104.—Whereas the Additional Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/14/86-Cus. VIII dated 19-2-86 under the said sub-section directing that Shri Sanjay Kumar S/o Late Diwan Ram Lal, House No. 448, Gali No. 3, Mahalla Kawalpur, Phagwara Road, Hoshiarpur be detained and kept in custody in the Central Jail, Jalandhar, with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange.

2. Whereas the Central Government has reason to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Inspector General of Police, Punjab, Chandigarh within 7 days of the publication of this order in the official Gazette.

[F. No. 673/14/86-Cus. VIII]

का.प्रा. 2105.—भारत सरकार के अपर सचिव ने, जिसे विवेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के प्रधीन विशेष रूप से सशक्त किया गया है, उक्त उपधारा के अधीन आदेश फा.सं. 673/17/86-सी.गु.-VIII, तारीख 19-2-86 यह निवेश देने हुए जारी किया था कि श्री भली खान, मुमुक्षु याकूब खान, कमरा नं. 12, गारा लोज, बांदी चीक, रिल्ली को केन्द्रीय तिहाड़ जेल, नई दिल्ली में निश्च कर लिया जाए और अभिरक्षा में रखा जाए। ताकि उसे ऐसा कोई कार्य करने से निवारित किया जा सके जो विवेशी मुद्रा संबंधित के लिए हानिकारक हो।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति करार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके; और

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निवेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, नई दिल्ली के समक्ष हाजिर हो।

[फा.सं. 673/17/86-सी.गु.-VIII]

आर.के.निवारे, उप सचिव

S.O. 2105.—Whereas the Additional Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/17/86-Cus. VIII dated 19-2-86 under the said sub-section directing that Shri Ali Khan, Slo. Yakub Khan, Room No. 12 Sara Lodge, Chandni Chowk, Delhi be detained and kept in custody in the Central Jail, Tihar, New Delhi with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange.

2. Whereas the Central Government has reason to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, New Delhi within 7 days of the publication of this order in the official Gazette.

[F. No. 673/17/86-Cus. VIII]
R. K. TIWARI, Dy. Secy.

(आधिकारीकार्य विभाग)

(वैकिंग प्रभाग)

नई दिल्ली, 15 मई, 1986

का. आ. 2106.—ऐकारी वित्तियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपर्यंथ इन अधिसूचना के सरकारी राजपत्र में प्रकाशित होने की तारीख से दिनांक 30 जून, 1987 तक समस्तीपुर डिस्ट्रिक्ट सेक्यूरिटी कॉम्पारेटिव बैंक नि., समस्तीपुर (विहार याज्ञ) पर लागू नहीं होंगे।

[संख्या एफ. 8-3/86-ए. सी.]

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 15th May, 1986

S.O. 2106.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of sub-section 1 of Section 11 of the said Act shall not apply to the Samastipur District Central Co-operative Bank Ltd., Samastipur (Bihar State) from the date of publication of this notification in the official Gazette of 30 June, 1987.

[F. No. 8-3/86-AC]

का. आ. 2107.—ऐकारी वित्तियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपर्यंथ इन अधिसूचना के सरकारी राजपत्र में प्रकाशित होने की तारीख से दिनांक 31 दिसंबर, 1986 तक दरमांगा सेक्यूरिटी कॉम्पारेटिव बैंक नि., दरमांगा (विहार याज्ञ) पर लागू नहीं होंगे।

[संख्या एफ. 6/4/85-बी. ओ.-I]
के. पी. कौशल, अवर सचिव

S.O. 2107.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of sub-section 1 of Section 11 of the said Act shall

not apply to the Darbhanga Central Co-operative Bank Ltd., Darbhanga (Bihar State) from the date of publication of this notification in the official Gazette to 31 December, 1986.

[F. No. 8-3/86-AC]

K. P. PANDIAN, Under Secy.

नई दिल्ली, 19 मई, 1986

का. आ. 2108.—केन्द्रीय सरकार, आर्थिक वित्त नियम अधिनियम, 1948 (1948 का 15) की धारा 21 की उपधारा (2) के अनुसरण में केन्द्रीय ग्रामोपिक यित नियम के विवेण बोर्ड की सिफारिश पर इस नियम द्वारा 4, 5 और 6 जून, 1986 को जारी किए जाने वाले श्री आर 1, 5 और 6 जून, 2001 को परिवर्त द्वाने वाले वाड़ा पर देय व्याज की दर एन्ड्रद्वारा 11% (व्यापक प्रतिशत) अधिक निश्चित करता है।

[संख्या 6(10)/86 आई. एफ. -I]

पी. के. मल्होत्रा, अवर सचिव

New Delhi, the 19th May, 1986

S.O. 2108.—In pursuance of Sub-Section 2 of Section 21 of the Industrial Finance Corporation Act, 1948 (15 of 1948), the Central Government, on the recommendation of the Board of Directors of the Industrial Finance Corporation of India, hereby fixes 11 per cent (Eleven per cent) per annum as the rate of interest payable on the bonds to be issued by the said Corporation on 4th, 5th and 6th June, 1986 and maturing on 4th, 5th and 6th June, 2001.

[F. No. 6(10)/86-IF-I]

P. K. MALHOTRA, Under Secy.

नई दिल्ली, 14 मई, 1986

का. आ. 2109.—नियम द्वारा ओर प्रत्यय गारंटी नियम अधिनियम, 1961 (1961 का 47) की धारा 6 की उपधारा (1) के खंड (प) के उपबंधों के अनुसरण में केन्द्रीय सरकार, भारतीय रिजर्व बैंक के साथ परामर्श करते के पश्चात् एन्ड्रद्वारा वी. सी. एन. एस. शास्त्री, प्रबंध निदेशक, भारतीय राधाराण द्वारा नियम को इस अधिसूचना के जारी होने की तारीख से प्रारंभ होने वाली और 14 मार्च, 1988 को समाप्त होने वाली अवधि के लिए नियम द्वारा ओर प्रत्यय गारंटी नियम के निदेशक, के द्वारा मानित करती है।

[संख्या एफ. 6/4/85-बी. ओ.-I]

New Delhi, the 14th May, 1986

S.O. 2109.—In pursuance of the provisions of clause (d) of sub-section (1) of section 6 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961) the Central Government, after consultation with the Reserve Bank of India, hereby nominates Shri C. N. S. Shastri, Managing Director, General Insurance Corporation of India as a Director of the Deposit Insurance and Credit Guarantee Corporation for a period beginning with the date of issue of the notification and ending with March 14, 1988.

[No. F. 6/4/85-BOI]

का. आ. 2110.—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रबोध उद्देश) योजना, 1970 का धारा 3 को उपर्याग (अ) के अनुग्रह में केन्द्रीय सरकार डा. एम. भार. कोटडावाला मुख्य प्रबन्धक, भारतीय रिज़र्व बैंक, केन्द्रीय कार्यालय, बम्बई को था। आर. आर. प्रधान के स्थान पर ए. तद्देवारा केन्द्रीय बैंक के नियुक्त के रूप में नियुक्त करता है।

[उपर्याग एक. 9/3/3-बै. ओ.-1]
एम. एम. हसुरकर, नियोजक

New Delhi, the 14th May, 1986

S.O. 2110.—In pursuance of sub-clause (g) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby appoints Dr. M. R. Kotdawala, Chief Manager, Reserve Bank of India, Central Office, Bombay as a Director of Canara Bank vice Shri R. R. Pradhan.

[No. F. 9/2/86-BO. 1]
S. S. HASURKAR, Director

भारिण्य भवालय

नई दिल्ली, 30 मई, 1986

(इनायती नियंत्रण)

का. आ. 2111.—केन्द्रीय सरकार इनायती अधिनियम 1965 (1965 का 42) को धारा 33 द्वारा प्रदत्त नियमों का प्रयोग करने हुए, इनायती नियम 1966 का और संशोधन करने के लिए निम्नलिखित नियम बनाता है, अधीन्तः—

1. (1) इन नियमों का नाम इनायती (संशोधन) नियम, 1986 है।
- (2) गे उनके राजपत्र में प्रकाशन को नारंग को प्रवृत्त होगे।

इनायती नियम, 1966 में—

(क) नियम 27 के उपनियम (1) में—

(i) प्रथम परंतुक में “900 रु. प्रतिमास” अंकों और अबद्वयों के स्थान पर “तकनीकी पदों की बात में 900 रु. प्रति मास और गेर तकनीकी पदों की दशा में 1700 रु. प्रतिमास” शब्द और अंक रखे जाएंगे।

(ii) दूसरे परंतुक में “900 रु. प्रति मास” अंकों और अबद्वयों के स्थान पर “तकनीकी पदों की दशा में 900 रु. प्रतिमास और गेर तकनीकी पदों की दशा में 1700 रु. प्रतिमास” शब्द और अंक रखे जाएंगे।

(iii) तीसरे परंतुक में “ऐसे पद में जिम्मा अधिकतम संबंधता 500 रु. प्रतिमास गे अधिक है” अंकों और अंकों के स्थान पर “केन्द्रीय सरकार के पूर्व परामर्श ने अनियम किए गए प्रत्येक पद में” शब्द रखे जाएंगे।

(र) नियम 15 के उपनियम (3) में “किसी एक मासमें रु. 5000 रु. तक” अंकों और अंकों के स्थान पर “चार्टर, कपठ और उपेक्षा के द्वारा हुई हानि के लिए 10,000 रु. तक और अन्य वजाओं में किसी एकल मासमें में 20,000 रु. रुक” शब्द और अंक रखे जाएंगे।

(र) नियम 34 के उपनियम (1) में छाप (5) के स्थान पर नियन्त्रित रखा जाएगा अधीन्तः—

“(क) प्रत्येक ऐसे संविदा जिसमें 20 यात्रा रूपान् से अधिक का अन्तर्वर्तित है; और ” शब्द और अंक रखे जाएंगे;

[फाइल नं. 36/4/85-संपत् (ब.)]
वा. एम. एम. नेही, अध्यक्ष संविदा

MINISTRY OF COMMERCE

New Delhi, the 20th May, 1986

(CARDAMOM CONTROL)

S.O. 2111.—In exercise of the powers conferred by section 33 of the Cardamom Act, 1965 (42 of 1965), the Central

Government hereby makes the following rules further to amend the Cardamom Rules, 1966, namely :—

1. (1) These rules may be called the Cardamom (Amendment) Rules, 1986.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Cardamom Rules, 1966,—

(a) in rule 27, in sub-rule (1),—

(i) in the first proviso, after the words, “Rs. 900 per mensem” the words “in the case of technical posts and Rs. 1700 per mensem is the case of non-technical post” shall be inserted;

(ii) in the second proviso, after the words, “Rs. 900 per mensem”, the words “in the case of technical posts and Rs. 1700 per mensem in the case of non-technical posts”, shall be inserted;

(iii) in the third proviso, for the words “in a post the maximum salary of which exceeds Rs. 900 per mensem”, the words “in a key post identified in prior consultation with the Central Government” shall be substituted;

(b) in rule 33, in sub-rule (2), for the words “Rs. 5000 in any single case” the words “upto Rs. 10000 for losses due to theft, fraud and negligence and Rs. 20,000 for other cases in any single case”;

(c) in rule 34, in sub-rule (1), for clause (a), the following shall be substituted, namely :—

“(a) every contract which involves and expenditure in excess of 20 lakhs rupees; and”

[F. No. 36/4/85-Plant (B)]
B. M. S. NEGI, Under Secy.

(संयुक्त मुख्य नियंत्रक आयात-नियंत्रित का कार्यालय)

(केन्द्रीय लाइसेंस बोर्ड)

नई दिल्ली, 12 फरवरी, 1986

निरस्त आवेदन

का. आ. 2112.—संबंधी माइक्रोन ऐलॉन मैन्यूफैक्चरर एण्ड स्पैशैरम कम्पनी III, रेलवे रोड, अम्बाला कैन्ट को एक आयात लाइसेंस सं. पी. एम./1961445 दिनांक 11-4-85 को अप्रैल मार्च 1985 की नीति के परिणाम-ए के मध्यों के आयात हेतु 4,20,000/- रु का जारी किया गया था।

आवेदक फर्म यो इप कदम के समर्थन में अब एक शपत्र-पत्र, आयात-नियंत्रक की कार्यालय पुस्तीका 1985-88 के पैरा 86 के अन्तर्गत प्रम्भुत किया है। जिनमें उल्लेख यहा है कि उल्ल लाइसेंस की दोनों वालियां स्थूल वैयरहाइसिंग कारोबारी, गुडगाड़ी नोड, नई दिल्ली (कस्टम हाउस) के पाल पजीकूल कराने के बाद एवं आणिक स्प 77,5400/- रु. उपयोग करने के बाद कहीं खो गई हैं।

डूलीकेट कस्टम प्रयोजन एवं एक्सचेंज फ्लोर कापी लाइसेंस की वालाया राशि 3,42,400/- रु. को पूरा करने के लिये जाहिये।

अस: आयात-व्यापार नियंत्रण आदिश 1955 दिन 7-12-55 (यथा संशोधित) की धारा में प्रदत्त अधिकारों का प्रयोग करने हुए में उपरोक्त लाइसेंस मं. पी/एम/1961445 दि. 11-4-85 की मूल दानों कस्टम एवं एक्सचेंज कापी की अनुलिपि (डूलीकेट कापी) जारी करने का आदेश देता है।

आवेदक की प्रार्थना पर अब आयात-नियंत्रक की कार्य विभिन्न-पुस्तिका 1985-88 के पैरा 86 के अनुसार उक्त लाइसेंस सं. पी/एम/1961445 दि. 11-4-85 की दोनों कस्टम एवं एक्सचेंज कापी की अनुलिपि (डूलीकेट कापी) जारी करने का आदेश देता है।

[का. आ. दूरस्थाना/145/ए. एम. 85/पी. एल. ए]

का. आर. के. धर्मन, उा. मुख्य नियंत्रण, आयात-नियंत्रित

कुनै संयुक्त मुख्य नियंत्रक, आयात-नियंत्रित

MINISTRY OF COMMERCE

(Office of the Lt. Chief Controller of Imports and Exports)
(Central Licencing Area)

New Delhi, the 12th February, 1986

CANCELLATION ORDER

S.O. 2112.—M/s. Mikron Manufactured and spares Co. III, Railway Road, Ambala Cantt, was granted an import licence No. P/S/1961445 dated 11-4-85 for Rs. 4,20,000 for import of the items Appex. 4-A of A.M. 85 Policy.

The above mentioned party have filed an affidavit as required under para 86 of Hand Book of Import & Export procedure, 1985-88 wherein they have stated that with the custom purpose copy Exchange Control copy of the above licence has been lost after having been registered with Central Warehousing Corporation Gurgaon Road, New Delhi, (Customs House) and utilized partly for Rs. 77,540.

A duplicate both custom purpose copy Exchange purpose copy are required by the firm to cover the balance value of the licence i.e. Rs. 3,42,460.

In exercise of the powers conferred on me, under sub-clause 9(d) in the Import Trade Control Order 1955 dated 7-12-55, as amended upto date, I cancel the both customs purpose copy and Exchange control copy of the above licence.

The applicant (licensee) is now being issued both duplicate Customs purpose copy & Exchange control copy of import licence No. P/S/1961445 dt. 11-4-85 for Rs. 3,42,460 in accordance with the provision of paragraph 86 of Hand Book of Import-Export procedures, 1985-88.

[F. No. HAR/145/AM. 85/AU. I/CJ A]

Dr. R. K. DHAWAN,
Dy. Chief Controller of Imports & Exports
for Lt. Chief Controller of Imports & Exports

दिल्ली संचालय

नई दिल्ली, 16 मई, 1986

का.आ. 2113—राजनयिक पार्ट कोमली अधिकारी (शपथ पार्ट एन्क) अधिनियम, 1948 (1948 का 41वां), की धारा 2 के खंड (क) के अन्तर्गत में केन्द्र सरकार इसके द्वारा, मैट्रिक स्थित भारत के राजवृत्तावास में भव्यक श्री ई.के.परमेश्वरन को 16-4-1986 से कोमली एजेंट का कार्य करने के लिए प्राप्ति करती है।

[गो दी. 4330/1/86]

आर. दयाकर, उप सचिव (कौसल्य)

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 16th May, 1986.

S.O. 2113.—In pursuance of the clause (a) of Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri E. K. Parmeswaran, Assistant in the Embassy of India, Madrid to perform the duties of Consular Agent with effect from 16-4-1986.

[No. T. 4330/1/86]
R. DAYAKAR, Dy. Secy. (Consular)

नई दिल्ली, 19 मई, 1986

का.आ. 2114—राजनयिक पार्ट कोमली अधिकारी (शपथ पार्ट एन्क) अधिनियम 1948 (1948 का 41 वां) की धारा 2 के खंड (क) के अन्तर्गत नेश्वर सरकार इसके द्वारा, विभिन्न स्थित भारत के छात्र कोशिश में भव्यक श्री यो.पी.एम. माधुर को 25-3-1986 से कोमली एजेंट का कार्य करने के लिए प्राप्ति करती है।

[संख्या दी. 1330/1/86]
ग.पम.प्राप्त, अवर सचिव/पीयो

New Delhi, the 19th May, 1986

S.O. 2114.—In pursuance of the clause (a) of Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri B. P. L. Matlur, Assistant in the High Commission of India, Wellington to perform the duties of Consular Agent with effect from 25-3-1986.

[No. T4330/1/86]

A. S. ARYA, Under Secy. (PV)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 15 मई, 1986

का.आ. 2115.—यह: केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में एम.एन.ए.ई. से एम.एन.ए. ए. तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस अयोग द्वारा विद्युती जारी चाहिए।

और यह: यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एन्डुपोब्ल अनुसूची में वर्णित भूमि में उपयोग का अधिकार अधिसंकारना आवश्यक है।

अतः जब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का लाइन) अधिनियम 1962 (1962 का 50) को धारा 3 की उपधारा (1) द्वारा प्रदत्त विविधों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार विभिन्न करने वा अपना आण्य प्रतिवर्द्धन घोषित किया है।

वहाँ से कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्तम प्राप्तिकारी, तेल तथा प्राकृतिक गैस अयोग नियमित और देवेलपमेंट प्रामाण, मकरपुरा रोड बडोदरा-9 को इस अधिसूचना को नारायण से 21 दिनों के अंतर कर सकेगा।

और ऐसा अक्षेप करने वाला हर व्यक्ति विनियोगित: यह भी कथन करेगा कि व्या यह वह चाहता है कि उसकी मुनावाई व्यक्तिगत रूप से हो या किसी अधिकारीय की मार्फत।

अनुसूची

एम.एन.ए.ई. से एम.एन.ए.पी.

राज्य —गुजरात . जिला व तालुका—महसान।

गांव	खाली न.	पेट्रोलियम एवं गैस सेटीशन		
फलालुरा	345	0	04	80
	346	0	07	20
	347	0	00	50
	348	0	05	40
	750	0	10	50
	753	0	04	50

[सं. O-12016/62/86-ओपन जे/ई-4]

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 15th May, 1986

S.O. 2115.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from SNAE to SNAC in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act,

1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from SNAE to SNAC

State : Gujarat

District & Taluka : Mehsana

Village	Block No.	Hec-taro	Are	Centiare
Kasalpura	345	0	04	80
	346	0	07	20
	347	0	00	50
	342	0	05	40
	750	0	10	50
	753	0	04	50

[No. O-12016/62/86-ONG-D4]

का. अ. 3 16.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में सोभासण-3 से एम.ई. वाई-73 तक पेट्रोलियम के परिष्करण के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आपोग द्वारा बिछाई जानी चाहिए।

और यह यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोग के लिए प्रदूषक वनस्पति भूमि में उपयोग का अधिकार अधिनियम करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अधिनियम करने का अपना आपाय प्रतिवेदन घोषित किया है।

बातें फौ उक्त भूमि में हिन्दूदह कोई शक्ति उम्मीद के नीचे पाइए लाइन बिछाने के लिए आधेप सक्षम प्राधिकार, तेल तथा प्राकृतिक गैस उपयोग नियमण और देखभाल प्रभाग मकारपुरा रोड बडोदरा-9 को इस अधिसूचना के तारीख में 21 दिनों के भीतर कर सकेगा।

और ऐसा आधेप करने वाला हर व्यक्ति विनियिटेट: यह भी यथन करेगा कि इस वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या जिसे विधि व्यवस्था द्वारा मार्फत।

अन्तर्मुद्रा:

सोभासण-3 से एम.ई. वाई-73

राज्य —गुजरात: जिला व तालुका—मेहसाना

गाव	स. न.	हेक्टेअर एक्टरहाई	सेल्टेअर
सोभासण	84	0 08	76

[न. O-12016/63/86-ओ एन जी ई-4]

S.O. 2116.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from SOB-3 to S.E.Y.-73 in Gujarat State

pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto:

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara, (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

PIPELINE FROM SOB-3 TO SEY-73

State : Gujarat

District & Taluka : Mehsana

Village	Survey No.	Hec-taro	Are	Centiare
Sobhasan	84	0	08	76

[No. O-12016/63/86-ONG-D4]

का. अ. 3 17.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में सोभासण-3 से एम.ई. वाई-73 तक पेट्रोलियम के परिष्करण के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आपोग द्वारा बिछाई जानी चाहिए।

और यह यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोग के लिए प्रदूषक वनस्पति भूमि में उपयोग का अधिकार अधिनियम करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अधिनियम करने का अपना आपाय प्रतिवेदन घोषित किया है।

बातें यह उक्त भूमि में हिन्दूदह कोई शक्ति उम्मीद के नीचे पाइए लाइन बिछाने के लिए आधेप सक्षम प्राधिकार, तेल तथा प्राकृतिक गैस उपयोग नियमण और देखभाल प्रभाग मकारपुरा रोड बडोदरा-9 को इस अधिसूचना की तारीख में 21 दिनों के भीतर कर सकेगा।

और ऐसा आधेप करने वाला हर व्यक्ति विनियिटेट: यह भी यथन करेगा कि इस वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या जिसे विधि व्यवस्था द्वारा मार्फत।

अन्तर्मुद्रा:

सोभासण-3 से एम.ई. वाई-73

राज्य : गुजरात जिला व तालुका : मेहसाना

गाव	लॉन्च नं.	हेक्टेअर एक्टरहाई	सेल्टेअर
देवधा	159	0 13	80
	158	0 14	16

1	2	3	4	5
	रुपये	0	00	60
	116	0	12	24
	120	0	01	08
	121	0	09	84
	122	0	06	72

[नं. O-12016/64/86-ओ.एन.जी.-सी 4]

S.O. 2117.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from SOB-3 to SEY-73 in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara, (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline From SOB-3 To SEY-73

State : Gujarat

District & Taluka : Mehsana

Village	Block No.	Hec-tare	Acre	Cen-tiare
Mebuva	159	0	13	80
	158	0	14	16
	Cart track	0	00	60
	116	0	12	24
	120	0	01	08
	121	0	09	84
	122	0	06	72

[No. O-12016/64/86-ONG-D4]

का.आ. 2118. या केन्द्रीय सरकार को यह प्रतीत होता है कि लोक-दिन में यह आवश्यक है कि गुजरात राज्य में एम.बी.डी.डी. से सोधासन भी.डी.एफ. तक परिवहन के लिये पाइप लाइन सेल नया प्रकृतिक गैस सार्केश डायर बिल्ड जानी चाहिए।

और यह प्रतीत होता है कि ऐसी घाइनों को फ़ाइने के प्रयोजन के लिये पन्द्राबद्ध प्रसंसूची में वर्णित खुमि में उपयोग या अधिकार अधिकार गत्ता आवश्यक है।

ग्रन्ति अवधि वेर्टेन्ट और अनियंत्रित (खुमि में उपयोग के अधिकार का प्राप्ति) अधिकार, 1962 (1902 का 50) की धारा 3 की अधार पर (1) द्वारा प्रदल गतिहारी या प्रयोग करने हए केन्द्रीय सरकार ने उसमें आपायक या अधिकार अधिकार दर्ते का आण्या अपदान घोषित किया है।

वर्णन कि उक्त खुमि में किसी भी सौर्य अवक्षिप्त उम युमि के नीचे पाहा जाइ निश्चारों के लिये आपायक या अधिकारी नेत्र जगा प्राप्तिकर्ता या उपयोग की अधिकार अधिकार दर्ते का आण्या अपदान घोषित किया है।

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और ऐसा आक्षेप करने वाला हर अधि. विविधित यह भी कठन करेगा कि क्या वह यह वाहता है कि उसकी गुणवाई व्यक्तिगत रूप से ही या किसी विधि अवसायों की माफता

अनुसूची

एस. थी. डी. डी. से सोधासन भी.डी.एफ.
राज्य : गुजरात जिला व तालुका : मेहसाना

गाँव	सं. नं.	ट्रैकबार एकार्ड संस्कार
जगुदण	1056	0 07 08
	1053/2	0 19 44
	काट ट्रैक	0 00 72
	1091	0 12 12
	काट ट्रैक	0 00 96
	1050/1	0 11 62
	काट ट्रैक	0 04 80
	1050/2	0 10 20
	काट ट्रैक	0 02 16
	1015	0 02 88
	काट ट्रैक	0 04 20

[नं. O-12016/65/85-ओ.एन.जी.-सी 4]

S.O. 2118.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from SBDD to Sobhasan CTF in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara, (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline From SBDD to SORCTF

State : Gujarat

District & Taluka : Mehsana

Village	Survey No.	Hec-tare	Acre	Cen-tiare
Jagudan	1056	0	07	08
	1053/2	0	19	44
	Cart track	0	00	72
	1091	0	12	12
	Cart track	0	00	96
	1050/1	0	11	62
	Cart track	0	01	80
	1050/2	9	10	20
	Cart track	0	02	16
	1015	0	02	88
	Cart track	0	04	20

[No. O-12016/65/86-ONG-D4]

का.प्रा. 2119 . यह केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह अवश्यक है कि गुजरात राज्य में एन.इ.ए -2 से इ.पी.एस एक पेट्रोलियम के परिवहन के लिये पाषाणाशन तेल का आकृतिक रूप आयोग द्वारा बिलाई जानी चाहिए।

बता यह कि यह प्रतीत "है" कि लोकहित के लिये एन.इ.ए. 2 से इ.पी.एस एक पेट्रोलियम के परिवहन के लिये पाषाणाशन भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

यह कि अब पेट्रोलियम और खनिज पाषाणाशन (भूमि में उपयोग के अधिकार का प्रबंधन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें आयोग का अधिकार अर्जित करने का अपना आशय प्रस्तुत किया है।

बताया कि उक्त भूमि में लियरड कोई व्यक्ति, उक्त भूमि के नीचे पाषाणाशन बिलाई के लिये आवेदन सभास प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देवधारा प्रभाग, मकरपुरा रोड, वडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आवेदन करने वाला हर व्यक्ति विनियित है कि यह भी क्यन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की माफ़ित।

अनुसंधान

एन.इ.ए-2 से इ.पी.एस.

राज्य : गुजरात जिला मेहसाना : तालुका कंडी

गाँव	सं. नं.	हेक्टेग्रे	एकार्ड सेटीग्रे
कंडी	11	0	07 56
	10	0	08 04
	9/2	0	04 08
	9/1	0	05 16
	20	0	31 68
	826 } 825 }	0	18 36
	823	0	

[सं. O-12016/66/86 ओएनजी-टी 4]

S.O. 2119.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from NEA-2 to EPS in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara, (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from NEA/2 to EPS

State : Gujarat	District : Mehsana	Taluka : Kadi		
Village	Survey No.	Hectare	Acre	Centiare
Kaiyal	11	0	07	56
	10	0	08	04
	9/2	0	04	08
	9/1	0	05	16
	20	0	31	68
	826 } 825 }	0	18	36
	823	0		

[No. O-12016/66/86-ONG-D4]

का.प्रा. 2120 . अतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह अवश्यक है कि गुजरात राज्य में एस.एन.जी.टी. से एस.एस. गी.टी.एफ. तक पेट्रोलियम के परिवहन के लिये पाषाणाशन तेल तथा प्राकृतिक गैस आयोग द्वारा बिलाई जानी चाहिए।

और यह कि यह प्रतीत होता है कि ऐसी लाइनों को बिलाई के प्रयोग के लिये एन.इ.ए. 2 से इ.पी.एस में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाषाणाशन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग वाले हुए केन्द्रीय सरकार ने उगमें उपयोग का अधिकार अर्जित करने का अपना आशय प्रस्तुत किया है।

बताये कि उक्त भूमि में हिलेड कोई व्यक्ति उक्त भूमि के नीचे पाषाणाशन बिलाई के लिये आवेदन सभास प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देवधारा प्रभाग, मकरपुरा रोड, वडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आवेदन करने वाला हर व्यक्ति विनियित है कि यह भी क्यन करेगा कि क्या वह यह चाहता है कि उसकी सनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की माफ़ित।

अनुसंधान

एस.एन.जी.टी. से एस.एस. गी.टी.एफ.

राज्य : गुजरात जिला च.सालुका : मेहसाना

गाँव	सं. नं.	हेक्टेग्रे	एकार्ड सेटीग्रे
संथाल	643	0	04 10
	642	0	08 05
	639/2	0	05 15
	639/1	0	02 75
	622	0	06 85
	619	0	11 40
	626	0	09 60

[सं. O-12016/67/86-ओ.एन.जी.टी. 4]

S.O. 2120.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from SNBG to S.S. CTF in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals

Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura, Road, Vadodara, (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from SNBG to S.S. CTF

State : Gujarat

District & Taluka : Mehsana

Village	Survey No.	Hec-tare	Acre	Centi-metre
Santhal	643	0	04	10
	642	0	08	05
	639/2	0	05	15
	639/1	0	02	75
	622	0	06	85
	619	0	11	40
	626	0	09	60

[No. O-12016/67/86-ONG-D4]

का. आ. 2121.—यह केन्द्रीय सरकार को यह प्रतीत होता है कि सोकहित में यह आवश्यक है कि गुजरात राज्य में एन.के. 52 से एन.के. सी.टी.एफ. तक पैद्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिलाई जानी चाहिए।

और यह: यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतद्पालद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अंजित करना आवश्यक है।

अतः प्रबंध और अनियम पाइपलाइन (भूमि में उपयोग के अधिकार का प्रबंधन) अधिनियम, 1962 (1962 का 50) की घारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने नसमें उपयोग का अधिकार अंजित करने का अपना आशय एतद्वारा घोषित किया है।

इसके लिये उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप करना अवश्यक है, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देवभासल प्रभाग, मकरुरा रोड, बडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्विष्ट: यह भी कथन करेगा कि क्या वह यह चाहता है कि उभकी मुनवाई व्यक्तिगत रूप से हो या किसी विशिष्ट व्यक्तियों की माफत।

अनुसूची

एन.के. 52 से एन.के. सी.टी.एफ.

जिला व तालुका—मेहसाना

गांव	सं. नं.	हेक्टेयर	एक्टर्सर्इ	सेटीम्यर
आसासण	121/2	0	08	28
	117	0	17	76
	118/2	0	03	26
	112	0	07	92
	113/1	0	02	04
	111/1	0	04	68
	86	0	07	44
	87	0	17	88
	110	0	07	44
	Cart track	0	00	72
	95	0	06	12

[सं. O-12016/68/86-ओ.एन.जी.-जी 4]

S.O. 2121.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from NK-52 to NK-CTF in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto:

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara, (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from NK-52 to NK. CTF

State : Gujarat

District & Taluka : Mehsana

Village	Survey No.	Hec-tare	Acre	Centi-metre
Chalasan	121/2	0	08	28
	117	0	17	76
	118/2	0	03	26
	112	0	07	92
	113/1	0	02	04
	111/1	0	04	68
	86	0	07	44
	87	0	17	88
	110	0	07	44
	Cart track	0	00	72
	95	0	06	12

[No. O-12016/68/86-ONG-D4]

का. आ. 2122.—यह केन्द्रीय सरकार को यह प्रतीत होता है कि सोकहित में यह आवश्यक है कि गुजरात राज्य में एन.के.एफ. एन.के.एम. तक पैद्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिलाई जानी चाहिए।

और यह: यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतद्पालद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अंजित करना आवश्यक है।

अतः प्रबंध और अनियम पाइपलाइन (भूमि में उपयोग के अधिकार का प्रबंधन) अधिनियम, 1962 (1962 का 50) की घारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय

सरकार ने उसमें उपयोग का अधिकार प्रदित्त करने का आपना आशय एतद्वारा घोषित किया है।

बताते कि उक्त भूमि में हितवड़ कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्तम प्राधिकारी, तेस तथा प्राकृतिक गैस आयोग, निमाण और देखभाल प्रभाग, मकरुरा रोड, बडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भित्ति कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिविष्टतः यह भी कथन करेगा कि क्या यह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

प्रत्यक्षी

एस.के.एफ.एम. से एस.के.एफ.एम.

राज्य-गुजरात जिला- महमदाबाद तालुका-विरमगाम

गाँव	सं. नं.	हेक्टरे पर एकार्ड सेन्टीमीटर
मटारिया	44	0 04 44

[स. O-12016/69/86-ओएन.जी.-डी 4]

S.O. 2122.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from NKFN to NKFM in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto:

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara, (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from NKFN to NKFM

State : Gujarat District : Ahmedabad Taluka : Viramgam

Village	Survey No.	Hec-tare	Aro	Centiare
Bhataria	. . . 44	0 04	44	

[No. O-12016/69/86-ONG-D4]

का.आ. 2123.—पतः भेदीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में एस.एन.ए.डी. से एस.एन.सी.टी.एफ. तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेस तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यह: यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतद्वारा भन्युक्षी में वर्णित भूमि में उपयोग का अधिकार प्रदित्त करनी चाहयक है।

पतः ग्राम पेट्रोलियम और जिला पाइपलाइन (भूमि में उपयोग के अधिकार का शर्त) भारतीयम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) हारा परत शक्तियों का प्रयोग करते हुए भेदीय परकार ने उसमें उपयोग का अधिकार प्रदित्त करने का आवाय एतद्वारा घोषित किया है।

बताते कि उक्त भूमि में हितवड़ कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्तम प्राधिकारी, तेस तथा प्राकृतिक गैस आयोग निमाण और देखभाल प्रभाग, मकरुरा रोड, बडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भित्ति कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिविष्टतः यह भी कथन करेगा कि क्या यह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

प्रत्यक्षी

एस.एम.ए.डी. से एस.ए.सी.टी.एफ.

राज्य-गुजरात जिला व तालुका-मेहसाणा

गाँव	गाँव नं.	हेक्टरे पर एकार्ड सेन्टीमीटर
कसलपूरा	812	0 20 76
	813	0 18 36
	809	0 03 96
कार्ट ट्रैक	0 01	80
	857	0 07 20
	858	0 08 40

[स. O-12016/70/86-ओ.एन.जी.-डी 4]

S.O.2123.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from SNAB to S.S.CTF in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto:

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara, (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from SNAB TO SS CTF

State : Gujarat District & Taluka : Mehsana

Village	Block No.	Hec-tare	Are	Centiare
Kasalpura	812	0	20	76
	813	0	18	36
	809	0	03	96
Cart track	0	01	80	
	857	0	07	20
	858	0	08	40

[No. O-12016/70/86-ONG-D4]

का. आ. 2124.—यह केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में एस.बी.डी.-ओ. से नोकासण सी.टी.एफ तक नेट्रोलियम के परिवहन के लिये पाइपलाइन तथा प्राकृतिक गैस आयोग द्वारा बिलाई जानी चाहिए।

और यह: यह प्रतीत होता है कि ऐसी लाईनों को बिलाने के प्रयोजन के लिये एतद्यावद अनुसूची में वर्णित भूमि में उपयोग का अधिकार अधिकार करना आवश्यक है।

अब: अब नेट्रोलियम और लैनिंग एप्लाइन (भूमि में उपयोग के अधिकार का प्रयोग) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रत्यन्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार ने जास्ते उपयोग का अधिकार अधिकृत करने का अपनी आशय एतद्वाया घोषित किया है।

बशर्ते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिलाने के लिये आयोग सक्षम प्राधिकारी, तेज तथा प्राकृतिक गैस आयोग, निर्माण और वेखामाल प्रभाग, मकरसुरा रोड, बडोदरा-९ को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आयोग करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या वह यह यह चाहता है कि उनकी सूनवाई अविकृत रूप से हो या किसी विधि व्यवसायी की माफ़त।

अनुसूची

एस.बी.डी.ओ. से नोकासण सी.टी.एफ.

राज्य—गुजरात

जिला व तालुका—महसाणा

गांव	सं. नं.	हेस्टेयर एथार्से सेक्टी अर		
हेबुवा	172	0	13	08
	171	0	04	32
	214	0	07	56
फार्ट ट्रेक	0	00	48	
	215	0	12	72
	216	0	04	32
	220	0	07	44
	242	0	09	24

[स. O-12016/71/86-ओ एन अ-ओ 4]

S.O. 2124.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from SBDO to SOB CTF in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto:

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of the notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara, (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from SBDO to SOB-CIF

State : Gujarat

District & Taluka : Mehsana

Village	Survey No.	Hect.	Acre	Gan-
		tar		hare
Hebuva	171	0	13	08
	171	0	04	32
	214	0	07	56
	Cart track	0	00	48
	215	0	12	72
	216	0	04	32
	220	0	07	44
	242	0	09	24

[No. O-12016/71/86-ONG-D4]

का. आ. 2125--यह: केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में के— 403 (के.एल.दू.बाह) से जी. बी. एस. 8 तक नेट्रोलियम के परिवहन के लिये पाइपलाइन सेव तथा प्राकृतिक गैस आयोग द्वारा बिलाई जानी चाहिए।

और यह: यह प्रतीत होता है कि ऐसी लाईनों को बिलाने के प्रयोजन के लिये एतद्यावद अनुसूची में वर्णित भूमि में उपयोग का अधिकार अधिकृत करना आवश्यक है।

अब: अब नेट्रोलियम और लैनिंग एप्लाइन (भूमि में उपयोग के अधिकार का प्रयोग) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) प्रत्यन्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार ने जास्ते उपयोग का अधिकार अधिकृत करने का अपनी आशय एतद्वाया घोषित किया है।

बशर्ते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिलाने के लिए आयोग सक्षम प्राधिकारी, तेज तथा प्राकृतिक गैस आयोग, निर्माण और वेखामाल प्रभाग, मकरसुरा रोड, बडोदरा-९ को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आयोग करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या वह यह चाहता है कि उनकी सूनवाई अविकृत रूप से हो या जिसी विधि व्यवसायी की माफ़त।

अनुसूची

के— 403 (फिले) से जी. बी. एस. 8 तक पाइप लाइन बिलाने के लिए।

राज्य—गुजरात जिला : महसाणा तालुका कलोल

गांव	संव. नं.	हे.	आ.	रे.
कलोल	1126	0	12	45
	1124	0	09	16
	फार्ट ट्रेक	0	00	75
	1118	0	04	50

[स. O-12016/72/86-ओ. एन. अ. अ-4]

पी. के. राजगोपाल, डेस्ट्री प्रकाशी

S.O. 2125.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from K-403 (KLEY) to G.G.S. VIII in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the said land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, 9 Vadodara, (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from K-403 (KLEY) to GGS VIII

State : Gujarat District : Mehsana Taluka : Kalol

Village	Survey No.	Hec-tare	Acre	Centi-acre
Kalol	1126	0	12	45
	1124	0	09	15
	Cart track	0	00	75
	1118	0	04	50

[No. O-12016/72/86-ONG-D4]

P.K. RAJAGOPALAN, Desk Officer

ऊर्जा मंत्रालय

मई विल्सी, 19 मई, 1986

(कोयला विभाग)

शुद्धि पत्र

का.आ.2126:—भारत के राजपत्र तारीख 6 अगस्त, 1985 के भाग 2, खण्ड 3, उप खण्ड (ii) में पृष्ठ 5351 से 5352 पर प्रकाशित भारत सरकार के भूतपूर्व इस्पात, जान और कोयला मंत्रालय (कोयला विभाग) की प्रधिसूचना सं. का.आ. 4721, तारीख 12 अक्टूबर, 1985 द्वारा उस प्रधिसूचना से संलग्न घनसूची में विनियिष्ट परिक्षेत्र में 122.00 एकड़ (लगभग) या 49.37 हैक्टेयर (लगभग) भूमि में कोयले का पूर्वज्ञ करने के अपने आपमय की सूचना दी थी;

पृष्ठ 5351 पर—प्रधिसूचना में—

- (1) "कोयला निर्वाक" के स्थान पर "कोयला निर्वाक-1" पढ़िए।
घनसूची में—
- (2) कम संख्या 2 में खेड स्तंभ के नीचे "43" के स्थान पर "42" पढ़िए।
- (3) कम संख्या 5 में ग्राम स्तंभ के नीचे "बोराभाटा" के स्थान पर "बोराभाटा" पढ़िए।
- (4) कम संख्या 9 में ग्राम स्तंभ के नीचे "बोराभाटा" के स्थान पर "बोराभाटा" पढ़िए।
- (5) कम संख्या 12 में खेड हेक्टरों में स्तंभ के नीचे "423.556" के स्थान पर "113.566" पढ़िए।
- (6) कुल क्षेत्र में "48914.36 एकड़" के स्थान पर "48914.81 एकड़" पढ़िए।

[का.मं. 43015/13/85-सी.ए.]

मई विल्सी, 20 मई, 1986

का.ओ. 2127:—केन्द्रीय सरकार ने, कोयला भारक क्षेत्र (ऊर्जा और विकास) प्रधिनियम, 1957 (1957 का 20) की घारा 4 की उपधारा (1) के अधीन भारत सरकार के भूतपूर्व इस्पात, जान और कोयला मंत्रालय (कोयला विभाग) की प्रधिसूचना सं. का.आ. 4725 तारीख 12 अक्टूबर, 1985 द्वारा उस प्रधिसूचना से संलग्न घनसूची में विनियिष्ट परिक्षेत्र में 122.00 एकड़ (लगभग) या 49.37 हैक्टेयर (लगभग) भूमि में कोयले का पूर्वज्ञ करने के अपने आपमय की सूचना दी थी;

और केन्द्रीय सरकार का, यह समाधान हो याहै कि उक्त भूमि में कोयला अधिभाल्य है;

अतः, केन्द्रीय सरकार, उक्त प्रधिनियम की घारा 7 की उपधारा (1) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए इससे संलग्न घनसूची में अधिक 122.00 एकड़ (लगभग) या 49.37 हैक्टर (लगभग) आप की भूमि का अर्जन करने के अपने आपमय की सूचना देती है;

टिप्पण : 1—उक्त प्रधिसूचना के प्रत्यार्थी आपने बाले क्षेत्र के रेखांक सं. राजस्व 5/86 तारीख 30-1-1986 का निरीक्षण उपयुक्त हजारीबाग (बिहार) के कार्यालय में या नियंत्रक, 1-कार्तिसिल हाउस स्ट्रीट, कलकत्ता-1 के कार्यालय में प्रधारा संदर्भ कोल-फील्ड्स लिमिटेड, (राजस्व घनसूचना), बरबंगा हाउस, रांची (बिहार) के कार्यालय में किया जा सकता है।

टिप्पण : 2—कोयला भारक क्षेत्र (ऊर्जा और विकास) प्रधिनियम, 1957 (1957 का 20) की घारा 8 के उपवर्धनों की ओर ध्यान आमंत्रित किया जाता है जिसमें निम्न-लिखित उपवर्धन हैं :—

"8(1) कोई व्यक्ति जो किसी भूमि में जिसकी बाबत, घारा 7 के अधीन प्रधिसूचना लिकाती गई है, हितवद्ध है, प्रधिसूचना जारी किये जाने के दीर्घ विवर के भीतर लम्बे भूमि या उसके किसी भाग या ऐसी भूमि से या उस पर के किन्हीं अधिकारों का अर्जन किये जाने के बारे में आपत्ति करेगा।

स्पष्टीकरण—इस घारा के अन्तर्गत यह आपत्ति वहीं मानी जायेगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिये स्वयं खनन अधिकारों के संबंध में आहुता है और ऐसी संविधानों के नियंत्रक द्वारा या कोई अन्य व्यक्ति को वहीं करनी चाहिये।

(2) उपधारा (1) के अधीन प्रत्येक आपत्ति सकाम प्राधिकारी को लिखित रूप में की जायेगी और सकाम प्राधिकारी प्राप्तिकारी को स्वयं सुने जाने का या विधि व्यवसायी द्वारा सुनवाई का व्यवसर देता और ऐसा सभी अधिकारों को सुनने के पश्चात् और ऐसी प्रतिरिक्ष जांच, यदि कोई है, करने के पश्चात् जो वह आपत्ति के समस्ताता है वह या तो घारा 7 की उपधारा (1) के अधीन प्रधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी रिपोर्टिंग और उसके द्वारा की गई कार्यवाही के अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनियिष्ट के लिये देता।

(3) इस घारा के अपोजनों के लिये वह व्यक्ति किसी भूमि में हितवद्ध समझा जायेगा जो प्रतिकर के हित का बाबा करने का हकदार होता यदि भूमि या ऐसी भूमि में या उस पर प्रधिकार इस प्रधिनियम के अधीन अधिकार कर लिये जाते।

टिप्पण : 3—केन्द्रीय सरकार ने, कोयला भिक्षक, 1, कार्तिसिल हाउस स्ट्रीट, कलकत्ता को उक्त प्रधिनियम के अधीन आपत्ति किया है।

शनूचूरी
सिरका विस्तार
दक्षिण काशीपुरा कोयला खेत
जिला हजारीबाग (बिहार)
सभी अधिकार (अभियान की जाने वाली भूमि को घटानी
है)

क्रम सं.	ठाग	थाना	थाना सं.	जिला	खेत टिप्पणी
1.	सिरका माइ.		136 हजारीबाग	122.00 ठाग	
			कुल खेत 122.00 एकड़ (लगभग) या 49.37 हेक्टर (लगभग)		

प्राम सिरका में भ्रजित किया जाने वाला प्लाट :

504(भाग), 505(भाग), 506(भाग), 507(भाग), 511(भाग), 512(भाग), 513, 514, 515(भाग), 517 से 520, 521(भाग), 522 से 517, 548, 549(भाग), 554(भाग), 555, 556(भाग), 557 से 565, 566(भाग), 567(भाग), 963(भाग), 977(भाग), 978(भाग), 979(भाग), 980 से 995, 996(भाग), 997(भाग), 998(भाग), 999(भाग), 1000 से 1009, 1028, 1029 और 1030.

सीमा वर्णन :

क—ख—रेखा प्लाट संख्या 567 से 575 की भागतः सम्मिलित सीमा के साथ साथ जाती है तब प्लाट सं. 567, 504, 505, 506, 507, 521, 512, 515, 511 और प्राम सिरका में प्लाट सं. 510 की पूर्वी सीमा से होकर जाती है और बिन्दु "ख" पर मिलती है।

ख—ग—रेखा सिरका प्राम में दामोदर नदी की उत्तरी सीमा के भाग के साथ साथ जलती है और बिन्दु "ग" पर मिलती है।

ग—घ—रेखा सिरका प्राम में दामोदर नदी की पश्चिमी सीमा के साथ-साथ जाती है और बिन्दु "घ" पर मिलती है।

घ—क—रेखा सिरका प्राम में प्लाट सं. 977, 978, 979, 978, 996, 997, 999, 998, 963, 549, 558, 554, 566, 567 से होकर जाती है। सिरका कोलियरी की पट्टा सीमा के साथ-साथ जाती है और आरंभिक बिन्दु "क" से मिलती है।

[सं. 43015/19/85-सी.ए०]
समय सिंह, ग्राम परिषद

MINISTRY OF ENERGY

(Department of Coal)

New Delhi, the 20th May, 1986

S.O. 2127.—Whereas by the notification of the Government of India in the late Ministry of Steel, Mines & Coal (Department of Coal) No. S.O. 4775 dated the 12th October, 1985, issued under sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to prospect for coal in 122.00 acres (approximately) or 49.37 hectares (approximately) of the land in the locality specified in the schedule appended to that notification;

And whereas the Central Government is satisfied that coal is obtainable of the said land;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the land measuring 122.00 acres (approximately) or 49.37

hectares (approximately) described in the schedule appended hereto;

Note 2 :—Attention is hereby invited to the provisions area covered by the notification may be inspected in the Office of the Deputy Commissioner, Hazaribagh (Bihar) or in the Office of the Coal Controller, 1, Council House Street, Calcutta-1 or in the Office of the Central Coalfields Ltd., (Revenue Section), Darbhanga House, Ranchi (Bihar).

Note 2 :—Attention is hereby invited to the provisions of section 8 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), which provides as follows :—

"8(1) Any person interested in any land in respect of which a notification under section 7 has been issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation :—It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing, and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respects of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or make different report in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government.

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act."

Note : 3 :—The Coal Controller, 1, Council House Street, Calcutta, has been appointed by the Central Government as the competent authority under the Act.

SCHEDULE

SIRKA EXTN. V

South Karanpura Coalfield

Dist. Hazaribagh (Bihar)

All Rights

'Showing lands to be acquired'

Serial Number	Village	Thana	Thana Number	District	Area Remarks
1	Sirka	Mand	16	Hazaribagh	122.00 Part

Total area - 122.00 acres (approx.)
or 49.37 hectare ("")

Plot numbers to be acquired in village Sirka :—

504 (Part), 505 (Part), 506 (Part), 507 (Part), 511 (Part), 512 (Part), 513, 514, 515 (Part), 517 to 520, 521 (Part), 522 to 547, 548, 549 (Part), 554 (Part), 555, 556 (Part), 557 to 565, 566 (Part), 567 (Part), 963 (Part), 977 (Part), 978 (Part), 979 (Part), 980 to 995, 996 (Part).

997 Part, 998 (Part), 999 (Part), 1000 to 1009, 1028, 1029 and 1030. Boundary description:—

A—B Line passes along the part common boundary of plot numbers 567 to 575, then through plot numbers 567, 504, 505, 506, 507, 521, 512, 515, 511 and eastern boundary of plot number 510 in village Sirka and meets at point 'B'.

B—C Line passes along the part northern boundary of River Damodar in village Sirka and meets at point 'C'.

C—D Line passes along the western boundary of the River Damodar in village Sirka and meets at point 'D'.

D—A Line passes through plot numbers 977, 978, 979, 978, 996, 997, 999, 998, 963, 549, 556 554, 566, 567, in village Sirka (along lease boundary of Sirka colliery land meets at starting point 'A'.

[No. 43015/19/85-CA]
SAMAY, SINGH Under Secy.

(विष्णु सिंह)

नई दिल्ली, 15 मई, 1986

का. आ. 2128.—वेन्यू वर्कर, भारतीय विद्युत नियम, 1956 के नियम 133 द्वारा प्रदत्त गवितरणों का प्रयोग करने से हुए नेशनल पर्सनल पावर कार्पोरेशन लि. से संबंधित 400 कि. वा. फरक्का-जीरहट प्रेषण लाइन को बाहर भारतीय विद्युत नियम 1956 के नीचे उल्लिखित नियमों के जाव़दों को गियिल करता है।

(ख) भारतीय विद्युत नियम 1956 के नियम 45 (i) के उप-वर्धों को इस विवार नहीं हि विविध विद्युत उत्केशार अनुमति को प्रस्तुत करने के लिए इस अधिवेशन के प्राप्तान का जारी से छह माह तक अवधि हि विवार नहीं केशाप विद्युत नियम जोर नहीं दिया जाएगा।

(ख) भारतीय विद्युत नियम 1956 के नियम 91(3) के उप-वर्धों को इस विवार नहीं, अरेशन नं. 0682/16 के अनुसार नेशनल पर्सनल पावर कार्पोरेशन द्वारा उत्कथ कराई गई “आरोहण रोधी युक्तियों के किस्म के स्पष्टक” पर्याप्त समझे जाएंगे।

[स. 25/3/86-डॉ (एस. ई. बै.)]
जे. सी. गुप्ता संयुक्त नियम

(Department of Power)

New Delhi, the 15th May, 1986

S.O. 2128.—In exercise of the powers conferred by Rule 133 of the Indian Electricity Rules, 1956, the Central Government hereby relaxes the provision of the undermentioned rules of the Indian Electricity Rules, 1956 in respect of the 400 KV Farakka—Jeerhat transmission line belonging to the National Thermal Power Corporation Limited:—

(a) the provisions of rule 45(1) of the Indian Electricity Rules, 1956 to the extent that the production of a valid electrical contractor's licence shall not be stressed by the Central Electrical Inspector till the expiry of a period of six months from the date of publication of this notification;

(b) the provisions of Rule 91(3) of the Indian Electricity Rules, 1956 to the extent that the 'Spike type anti-climbing devices' provided by National Thermal Power Corporation Limited as per drawing No. 0682/161A shall be considered adequate.

[No. 25/3/86-D(SEB)]
J. C. GUPTA, Jt. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 20 मई, 1986

का.आ. 2129.—वेन्यू वर्कर, भारतीय विद्युत नियम, 1956 (1956 का 102) की धारा 11 की उपधारा (2) द्वारा प्रदत्त गवितरणों का प्रयोग करने से हुए, भारतीय विद्युत नियम से प्रथम अनुमति करने के पश्चात्, उक्त गवितरण में प्रथम अनुमति में निम्ननिमित्त और संशोधन करती है, अर्थात्:—

उक्त प्रथम अनुमति में,—

(1) दिल्ली विश्वविद्यालय से संबंधित प्रविद्धियों में, डिप्लोमा इन हमार्टीलोजी—डॉ० "प्रविद्धि के पश्चात् निम्नलिखित प्रविद्धि अन्तर्वापित की जायेगी, अर्थात्:—

"मास्टर ड्राफ्ट सर्जरी (दृद्ध-वक्ष शल्यविज्ञान) —————— एम०सी० एच० (हृदय-वक्ष शल्यविज्ञान)"; और

(2) शिवाजी विश्वविद्यालय से संबंधित प्रविद्धियों में, "डिप्लोमा इन एनेसीसीपीलोजी—डॉ०" प्रविद्धि के पश्चात् निम्नलिखित प्रविद्धि अन्तर्वापित की जायेगी, अर्थात्:—

"इंजिनियर ड्राफ्ट मेडिसिन (सामान्य भेज गुणविज्ञान) —————— एम०सी० (सामान्य भेज गुणविज्ञान)।"

[संख्या वी०-11015/17/85-एम०सी० (पी०)]
प्रेस सागर टंडन, घबर समिति

MINISTRY OF HEALTH & FAMILY WELFARE

(Department of Health)

New Delhi, the 20th May, 1986

S.O. 2129.—In exercise of the powers conferred by sub-section (2) of section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India hereby makes the following further amendments in the first schedule to said Act, namely:—

In the said First Schedule—

(1) in the entries relating to the University of Delhi after the entry "Diploma in Dermatology..... D.D.", the following entry shall be inserted, namely:—

"Master of Surgery (Cardio-Thoracic Surgery)..... M.Ch. (Cardio-Thoracic Sug.); and

(2) in the entries relating to the Shivaji University after the entry "Diploma in Anaesthesiology..... D.A.", the following entry shall be inserted, namely:—

"Doctor of Medicine (General Medicine)..... M.D. (Gen. Med.)."

[No. V. 11015/17/85-ME(P)]
P. S. TANDON, Under Secy.

परमाणु ऊर्जा विभाग

बम्हई, 25 अप्रैल, 1986

का. आ. 2130.—राष्ट्रपति इस विभाग की तारीख 29 जूलाई 1985 की अधिकारता संख्या 18/1/9 85-ई आर/2039 के क्रम में, अर्थ 1986 के लिए परमाणु ऊर्जा नियामक वोई के अध्यक्ष और सदस्यों को नीचे लिखे अनुसार पुनर्नियम करने हैं:—

1. ग्रोपेसर ए. के. ई.

ग्रामीण

2. डा. ई. सी. सूभागर

संवरा

निदेशक,

टाटा अनुसंधान विकास और अभिकल्पन केन्द्र, पुणे

3. प्रोफेसर डॉ. ही. गुप्ता, प्रोफेसर तथा प्रब्रह्म, विकारण चिकित्सा विभाग, स्नातकोत्तर द्वनुसंधान संस्थान, चंडीगढ़	मंत्रस्थ
4. प्रब्रह्म, परमाणु ऊर्जा विभाग की सुरक्षा मंत्रीका समिति, परमाणु ऊर्जा विभाग	सचिव
5. श्री पी. एन. छुआमूलि, वैज्ञानिक अधिकारी (एच)	सदस्य-सचिव

[संख्या 18/1/9/85-ई भार/2106]
कुमारी एच. डॉ. विजयकर, अवर सचिव

DEPARTMENT OF ATOMIC ENERGY

Bombay, the 25th April, 1986

S.O. 2130.—In continuation of this Department's Notification No. 18/1/9/85-ER/2039 dated July 29, 1985, the President is pleased to re-nominate Chairman and Members of the Atomic Energy Regulatory Board for the year 1986, as under :

1. Prof. A. K. De	Chairman
2. Dr. E. C. Subba Rao, Director, Tata Research Development and Design Centre, Pune.	... Member
3. Prof. B. D. Gupta, Professor & Chairman, Department of Radiotherapy, Post Graduate Institute of Research, Chandigarh.	... Member
4. Chairman, DAE Safety Review Committee, Department of Atomic Energy.	Member
5. Shri P. N. Krishnamoorthy,	... Member-Secretary Scientific Officer(H).

[No. 18/1/9/85-ER/2106]
Kum. H. B. VIJAYAKAR, Under Secy.

कृषि मंत्रालय

(कृषि और महाकाशिका विभाग)

नई दिल्ली, 15 मई, 1986

का. आ. 2131.—केंद्रीय सरकार राजभाषा (संघ के शासकीय प्रयोगों के लिए प्रयोग) नियम 1976 के नियम 10 के उप नियम (4) के अनुसार ए.एट.ड्रा.रा. कृषि मंत्रालय (कृषि तथा गढ़कारिता विभाग) के नियन्त्रित कार्यालय की अधिभूति करते हुए जिसके गर्म-चारों ते दिनों का कार्यालय जल्द प्राप्त कर लिया है :—

1. भारतीय गढ़क गढ़कारे भव्य
2. एच. डॉ. उन्नस दंडेश्वर एम्बिया
3. विजय काशीपाल एम्बिया

[मंत्रालय 1-24/86-हिंदू मंत्रि]
मंत्रालय मार्ग नई दिल्ली-110016

MINISTRY OF AGRICULTURE
(Department of Agriculture and Cooperation)
New Delhi, the 15th May, 1986

S.O. 2131.—In pursuance of sub-rule (4) of rule 10 of the Official Language (use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following office of the Ministry of Agriculture (Department of Agriculture and Cooperation), the staff of which has acquired working knowledge of Hindi :—

National Cooperative Union of India 3 Siri Institutional Area Panchshila Marg, New Delhi-110016.

[No. 3-24/86-Hindi Neeti]
BHAGAT SINGH, Director (OL)

मानव संसाधन विकाय मंत्रालय
(संस्कृत विभाग)

नई दिल्ली, 14 मई, 1986

का. आ. 2132.—फिल्म प्रमाणन बोर्ड के मंत्रालय मलाहकार पेतल के 29 मवस्थों की सेवा निवृति से सम्बन्धित इस विभाग की अधिसूचना में 811/2/85-एक(मी), दिनांक 3-4-86 का अभिन्नमण करते हुए तथा सिनेमाटोप्राक्ट (प्रमाणीकरण) नियमाला 1983 के नियम 9 के उप नियम (1) के साथ पठित सिनेमाटोप्राक्ट प्रशिलियम 1952 की धारा 5(1) द्वारा प्रवक्त जाकियों का प्रयोग करने हुए केन्द्रीय सरकार एतद्वारा यह निर्णय देती है कि 24 अप्रैल, 1986 से निम्ननिश्चित व्यक्ति, फिल्म प्रमाणन बोर्ड के मंत्रालय मलाहकार पेतल के मक्क्य पर्याप्त नहीं रहेंगे :

1. श्री शाक्ती गमधारन
2. डॉ. उषा राघवन
3. श्रीमती सारा सीयद यसुक
4. श्रीमती सारा धन्या
5. श्रीमती रशिमी पटेल
6. श्री एस. मलाहेकर
7. श्रीमती देवकी सुलिया
8. श्रीमती सधमी राजाराम
9. श्रीमती अनुसुन्धा माधव राव
10. श्रीमती अनुराधा श्रावा राव
11. श्री के. मोहन राम
12. श्रीमती पी. सेवद मिर्जी
13. श्रीमती निमंता श्रीनिवासन
14. श्रीमती लक्ष्मी मेनन
15. श्रीमती रीता लद्दीनारायण
16. श्रीमती सेवाकामिनी मेनन
17. श्री आदित्य महापात्र
18. श्रीमती गीता बकर
19. श्रीमती कल्पना भट्ट
20. श्री श्रीकृष्ण भट्ट
21. श्री एस. एस. कुमार
22. श्री दी. गधार्हण
23. श्री के. एन. रमेश गव
24. श्री के. के. गोदया
25. श्रीमती लीला शेकर
26. श्रीमती लक्ष्मीनारायण

[का. म. 811/2/85-एक. (मी.)]
विजय केन, उप सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(Department of Culture)

New Delhi, the 14th May, 1986

S.O. 2132.—In supersession of this Department's Notification No. 811/2/85-F(C) dated 3-4-1986 relating to retirement

of 29 members of the Madras advisory panel of the Board of Film Certification, and in exercise of the powers conferred by sub-section 5(1) of the Cinematograph Act 1952 read with sub-rule (1) of rule 8 of the Cinematograph (Certification) Rules 1983, the Central Government hereby directs that the following persons ceased to be members of the Madras Advisory Panel of the Board of Film Certification with effect from 24th April, 1986:—

1. Shri Shastri Ramachandran
2. Dr. Usha Raghavan
3. Smt. Sara Syed Yusuf
4. Smt. Sara Chanda
5. Smt. Rashmi Patel
6. Sbri S. Mahadevan
7. Smt. Devaki Muthia
8. Smt. Lakshmi Rajaram
9. Smt. Anusuya Madhava Rao
10. Smt. Anuradha Appa Rao
11. Shri K. Mohanarangam
12. Smt. P. Sowdamini
13. Smt. Nirmala Srinivasan
14. Smt. Lakshmi Menon
15. Smt. Rita Lakshmi Narain
16. Smt. Sowdamini Menon
17. Shri Aditya Mahapatra
18. Smt. Gita Bunker
19. Smt. Kalpana Bhatt
20. Shri Srikrishna Bhatt
21. Shri S. N. Kumar
22. Shri B. Radhakrishnan
23. Shri K. N. Raghavendra Rao
24. Prof. K. K. Gowda
25. Smt. Leela Shekar
26. Smt. Shakuntala Rao

[File No. 8112/85-F(C)]
VIJAY KAIN, Dy. Secy.

परिवहन मंत्रालय

(रेल विभाग)

(रेलवे बोर्ड)

नई दिल्ली, 15 मई, 1986

का. सा. 2133.—सरकारी स्थान (प्रधानिकत प्रधिकारियों की बेष्टी) प्रधिनियम 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय भरकार एन्ड द्वारा जूने वी गयी तालिका के कालम-1 में उल्लिखित प्रधिकारी को, सरकार का राजपत्रित प्रधिकारी होने के नाते, उक्त प्रधिनियम के प्रयोगार्थ संपदा प्रधिकारी नियुक्त करती है जो उक्त तालिका के कालम 2 में तदनुकूली हंड्रेज़ जून में विनिविष्ट सरकारी स्थानों के संबंध में उक्त प्रधिनियम या उसके प्रत्यंगत संपदा प्रधिकारी की प्रश्न शक्तियों का, अपने लेवाइकार की स्थानीय सीमाओं में प्रयोग करेगा और उसे सीधे गये कानूनों का नियंत्रण करेगा:—

तालिका

प्रधिकारी का पदनाम	सरकारी स्थानों की कोटियां तथा सेक्षनाधिकार की स्थानीय सीमाएँ
(1)	(2)
अरिष्ट इंजीनियर (भूमि), उत्तर रेलवे के स्वामित्व में या उसके द्वारा उत्तर रेलवे के समूचे दिल्ली मंडल प्रशासनिक नियंत्रण के प्रत्यंगत है।	

[मिमिल सं. 82/इन्यू 2/1 4/4]

ए.एन. बांचू, मन्त्रिव रेलवे बोर्ड

भारत के राष्ट्रपति के लिए तथा उनकी प्राप्त से

MINISTRY OF TRANSPORT

(Department of Railways)

(Railway Board)

New Delhi, the 15th May, 1986

S.O. 2133.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the Officer mentioned in column (1) of the Table below, being a Gazetted Officer of the Government to be estate officer for the purpose of the said Act, who shall exercise the powers conferred, and perform the duties imposed on estate officer by or under the said Act within the local limits of his jurisdiction in respect of the public premises specified in the corresponding entry in column (2) of the said Table:—

TABLE

Designation of the Officer	Categories of public premises and local limits of jurisdiction
(1)	(2)

Senior Engineer (Land),
Northern Railway.

Public premises owned or acquired or hired by the
Northern Railway which are under
the administrative control of
the entire Delhi Division,
Northern Railway.

[File No. 82/W2/144]

A. N. WANCHOO, Secy.
Railway Board for and on behalf of President of India

संचार मंत्रालय

(दूरसंचार विभाग)

नई दिल्ली, 22 मई, 1986

का.ओ. 2134.—स्थायी ग्रामेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गये भारतीय तार नियम, 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार महानिवेशक, दूरसंचार विभाग ने सरावनमपटि, सर्कारिसामकुलम तथा नवलकर्णी ईलीफोन केन्द्रों में तमिलनाडु में दिनांक 31-05-1986 से प्रमाणित दर प्रणाली लागू करने का निष्पत्त्य किया है।

[संख्या 5-34/86-पी एच बी]

MINISTRY OF COMMUNICATIONS
(Department of Telecommunications)

New Delhi, the 22nd May, 1986

S.O. 2134.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Department of Telecommunications, hereby specifies 31-5-1986 as the date on which the Measured Rate System will be introduced in Sarvanam Patty, Sarkarsamakulam and Navakkalai Telephone Exchanges, Tamil Nadu Circle.

[No. 5-34/86-PHB]

का.ओ. 2135.—स्थायी ग्रामेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गये भारतीय तार नियम, 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार महानिवेशक, दूरसंचार विभाग ने कुमिटिपति ईलीफोन केन्द्र तमिलनाडु में दिनांक 30-06-1986 से प्रमाणित दर प्रणाली लागू करने का निष्पत्त्य किया है।

[सं. 5-34/86-पी एच बी]

S.O. 2135.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951 as introduced by S.O. 627 dated 8th March, 1960, the Director General, Department of Telecommunication, hereby specifies 30-6-1986 as the date on which the Measured Rate System will be introduced in Kumittipathy Telephone Exchange, Tamil Nadu Circle.

[No. 5-34/86-PHB]

का०ग्रा० 2136.—स्थायी प्रावेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गये भारतीय तार नियम, 1951 के नियम 434 के खण्ड III के पेरा (क) के बनुसार महानिवेशक, दूरसंचार विभाग ने प्रैष्मनेचूर, प्रम्मीयन, वडुश्वर, प्रलिलिकोटै तथा कोइवासाल ईलीकोन केन्द्रों नियन्त्रण में दिनांक 31-5-1986 से प्रभागित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-26/86-पी.एचबी]

के०पी० शर्मा, सहायक महानिवेशक (पी०एच०बी०)

S.O. 2136.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Department of Telecommunications, hereby specifies 31-5-1986 as the date on which the Measured Rate System will be introduced in Perumpannaiyur, Ammaippan, Vaduver, Ullikkottai and Kodavasal Telephone Exchanges, Tamil Nadu Telecom. Circle.

[No. 5-26/86-PHB]

K. P. SHARMA, Asstt. Director General (PHB)

(अनुश्रवण संघटन)

नई दिल्ली, 16 मार्च, 1986

का. आ. 2137.—केन्द्रीय सरकार, राजमार्ग (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम, 10 के उपनियम (4) के अनुपराण में संचार मंत्रालय के अनुश्रवण संवठन के अनुश्रवण केन्द्र अहमदाबाद को, जिसके कर्मचारियों ने हिन्दी का कार्यालयक ज्ञान प्राप्त कर लिया है, अधिसूचित करता है।

[नियम 9-अनु (10)/82]

अ. मू. जोशी
निवेशक (वेतार अनुश्रवण)

(Monitoring Organisation)

New Delhi, the 16th April, 1986

S.O. 2137.—In pursuance of sub-rule (4) of rule 10 of the Official Languages (Use for official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the Monitoring station, Ahmedabad of the Monitoring Organisation of the Ministry of Communications, the staff whereof have acquired a working knowledge of Hindi.

[No. 9-Mon(10)/82]

A. M. JOSHI, Director (W.M.)

अम भवालय

नई दिल्ली, 16 मई, 1986

का. आ. 2138.—केन्द्रीय सरकार को यह प्रतीत होता है कि निम्नलिखित स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रक्षीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध सम्बन्धित स्थापन को लागू किए जाने चाहिए :—

1. मैसर्सै इलैक्ट्रोनिक सिस्टम पंजाब लिमिटेड, बी-81 फेस 7 मोहाली चण्डीगढ़।
2. मैसर्सै रिजनल कम्प्यूटर सेन्टर, एस. बी. ओ. 14-16 सेक्टर 17-बी चण्डीगढ़।
3. मैसर्सै पंजाब नेशनल फटीलाइजरस फैमिलिस लिमिटेड, एस. सी. ओ. 119-120 सेक्टर 17 चण्डीगढ़ और इसकी नया नागल, रोपर (पंजाब) स्थित शास्त्र।
4. मैसर्सै पंजाब प्रलिलिस एण्ड फैमिलिस लिमिटेड, 125-127 सेक्टर 17-बी चण्डीगढ़ और इसका नया नागल (साइट) और इसका चण्डीगढ़ स्थित मुख्य कार्यालय।

5. मैसर्सै पंजाब न्हील्स लिमिटेड, एस. सी. ओ. नं. 50 फर्स्ट प्लॉर मध्य मार्ग, सेक्टर-26, चण्डीगढ़।
6. मैसर्सै मुनक आयस्स लिमिटेड, एस. सी. ओ., 50 मध्य मार्ग सेक्टर-26 चण्डीगढ़ और इसकी सुताम रोड सगलर (पंजाब) स्थित फैक्ट्री।
7. मैसर्सै ब्रोडेस्ट्री एन्टरप्राइजिज (प्राइवेट) लिमिटेड, आई/एस मुल्तानविल गेट अमृतसर।
8. मैसर्सै बी. बी. स्टील कास्टिंग्स लिमिटेड, बी. बी. रोड जास्ट्रर कैन्ट।
9. मैसर्सै प्रेसी टैक्सो इंजीनियरिंग इन्डस्ट्रियल, रोड नं. 8, सेक्टर 2, परबानू-173220
10. मैसर्सै गोडवाल इन्डस्ट्रियल एण्ड एन्डरेसेन्ट कारपोरेशन आफ पंजाब लिमिटेड, एस. सी. ओ. 106-108 सेक्टर 17-बी चण्डीगढ़ और इसके गोडवाल साहित (पंजाब) में स्थित निर्माण प्रभाग एक और दो।
11. मैसर्सै जैम सेल्स कारपोरेशन, एस. सी. ओ. 30 मध्य मार्ग सेक्टर-7 सी चण्डीगढ़।
12. मैसर्सै एच. पी. स्टेट इलैक्ट्रोनिमिस डबलपरमेन्ट कारपोरेशन लिमिटेड, बिलानी, शिमला।
13. मैसर्सै मुनक फैमिलिस लिमिटेड एस. सी. ओ. 1-2 (फर्स्ट प्लॉर) सेक्टर-26 मध्य मार्ग, चण्डीगढ़ और इसकी ए-१ से ए-१५ इन्डस्ट्रियल फॉकल पोस्ट, डबलाली रोड भटिन्डा स्थित फैक्ट्री।

इति: केन्द्रीय सरकार उक्त धारा नियम की धारा 1, की उप धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापनों को लागू करती है।

[एस-35019(159)/86 एस एस-2]

MINISTRY OF LABOUR

New Delhi, the 16th May, 1986

S.O. 2138.—Whereas it appears to the Central Government that the employers and the majority of employees in relation to the following establishments have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act -952 (19 of 1952), should be made applicable to the respective establishments, namely,

1. M/s. Electronics Systems Punjab Limited, B-81, Phase-VII, Mohali, Chandigarh.
2. M/s. Regional Computer Centre, SCO 114-116, Sector 17-B, Chandigarh.
3. M/s. Punjab National Fertilizer and Chemicals Ltd., SCO 119-120, Sector 17-B, Chandigarh, including its branch at Naya Nangal, Ropar (Punjab).
4. M/s. Punjab Alkalies and Chemicals Ltd., 125-127 Sector 17-B Chandigarh, including Naya Nagal (Site) and Head Office at Chandigarh.
5. M/s. Punjab Wheels Limited, SCO No. 50, First Floor Madhya Marg, Sector-26, Chandigarh.
6. M/s. Munak Oils Limited, SCO-50, Madhya Marg, Sector-26 Chandigarh including its factory at Sunam Road, Sangrur (Punjab).
7. M/s. Arora Enterprises (Private) Limited, I/S, Sultanwind Gate, Amritsar.
8. M/s. B. D. Steel Castings Limited, G. T. Road, Jullundur Cantt.
9. M/s. Preci Tech. Engineering Industrial, Shed No. 8, Sector-2, Parwanoo-173220.
10. M/s. Goindwal Industrial & Investment Corporation of Punjab Limited, SCO-106-108, Sector-17-D Chandigarh, including its Construction Division No. I & II at Goindwal Sahib.
11. M/s. Gem Sales Corporation, SCO-30, Madhya Marg, Sector 7-C, Chandigarh.

12. M/s. H. P. State Electronics Development Corporation Ltd, Khilni, Shimla.
13. M/s. Munak Chemical Limited, SCO 1-2 (First Floor) Sector 26, Madhya Marg, Chandigarh, including its factory at A-9 to A-15 Industrial Focal Point, Dabwali Road, Bhatinda.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act, to the above mentioned establishments.

[S-35019(159)/86-SS-II]

का. आ. 2139.—केन्द्रीय सरकार को यह प्रतीत होता है कि निम्नलिखित स्थापन से सम्बद्ध नियोजक और कर्मचारियों की भूत्संबंध इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकार्ण उपचत्व अधिनियम, 1952 (1952 का 19) के उपचत्व सम्बन्धित स्थापन को लागू किए जाने चाहिए:—

1. मैसर्स स्टैन्डर्ड ट्रायलपोर्ट कम्पनी, 253 न्यूलोट, सीताराम डेरा, पो. ग्रामरीको, जमशेदपुर
2. मैसर्स ली. बी. इन्डिनियर्स, लाइन नं. 7, ब्लॉक नं. 263/2/2, श्रावित्यपुर, गवर्नमेंट कालोनी, श्रावित्यपुर जमशेदपुर, जिला सिरहम्मि
3. मैसर्स हिन्द ट्रेलिंग कम्पनी, गोरी शंकर रोड, जुगसलाए, जमशेदपुर
4. मैसर्स बाबिल कल्कुल्पन कम्पनी, एस-2/9, गवर्नमेंट श्वार्टिंग कालोनी, श्रावित्यपुर जमशेदपुर
5. मैसर्स इन्डिनियरिंग कम्पनी गरलस स्कूल रोड, जुगसलाए जमशेदपुर-6
6. मैसर्स ला पा इंस्ट्रालिजिंग, रोड नं. 8 जवाहर नगर, मैनो जमशेदपुर-12
7. मैसर्स चल्कालन जी छाकुर, 34/35 टाटा नगर मिल्स एण्ड गोडाउन्स एस्ट्रिया, बरसा माइस्स, जमशेदपुर
8. मैसर्स निजामूदोन एण्ड सन्स, रोड नं. 11, ग्राजाद नगर मैनो, जमशेदपुर-12
9. मैसर्स मल्लोक इन्टर श्रावित्य 81 गोलभूमी मार्किट पो. ओ. गोलभूमी, जमशेदपुर-3
10. मैसर्स ए. डब्ल्यू. खान एण्ड सन्स, दी-8/1 गोलभूमी फैक्टरी जमशेदपुर-3
11. मैसर्स ए. बी. एम. इंडिक इन्डिनियरिंग कम्पनी, गोलभूमी रोड, जुगसलाए, जमशेदपुर
12. मैसर्स श्री रामा कंट्रोलर, 16 एस्ट एन टाइप करोम रोड-17 सिध्गोरा, जमशेदपुर-9

अतः केन्द्रीय सरकार उक्त नियम की घारा 1, की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपचत्व उक्त स्थापनों की लागू करती है।

[म् एस-35019(157)/86 एस. एस.-2]

S.O. 2139.—Whereas it appears to the Central Government that the employers and the majority of employees in relation to the following establishments have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the respective establishments, namely :

1. M/s. Standard Transport Company, 253, Newlayout, Sitaramdera, P.O. Agrico, Jamshedpur.
2. M/s. G. B. Engineers Line No. 7, or No. 263/2/2, Adityapur Government Colony, Adityapur, Jamshedpur District Singhbhum.

3. M/s. Hind Trading Company, Gouri Shanker Road, Jugsalai, Jamshedpur.
4. M/s. Sachin Construction Company, S-2/9, Government Housing Colony, Adityapur, Jamshedpur.
5. M/s. General Engineering Company, Girls School Road, Jugsalai, Jamshedpur-6.
6. M/s. Rupa Enterprises, Road No. 8, Jawahar Nagar Mango Jamshedpur-12.
7. M/s. Chandrakant G. Thakur, 34-35, Tata Nagar Mills & Godown Area, Burmamines, Jamshedpur.
8. M/s. Nizamuddin and Sons, Road No. 11, Azad Nagar, Mango Jamshedpur-12.
9. M/s. Sablok Enterprises, 81, Golmuri Market, P.O. Golmuri, Jamshedpur-3.
10. M/s. A. W. Khan and Sons, D-6/1, Golmuri Workers Flat, Jamshedpur-3.
11. M/s. A. B. M. Electric and Engineering Company, Goalapara Road, Jugsalai, Jamshedpur-6.
12. M/s. Sri Rama Contractors, 16 XN Type Cross Road-17, Sidhgore, Jamshedpur-9.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the above mentioned establishments.

[No. S-35019 (157)/86-SS-II]
A. K. BHATTARAI, Under Secy.

नई दिल्ली, 2 मई, 1986

का. आ. 2140:—केन्द्रीय सरकार को यह प्रतीत होता है कि निम्नलिखित स्थापन से सम्बद्ध नियोजक और कर्मचारियों की भूत्संबंध इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकार्ण उपचत्व अधिनियम, 1952 (1952 का 19) के उपचत्व स्थापन को लागू किए जाने चाहिए:—

1. मैसर्स इन्स्ट्रुमेंट कंट्रोल इंस्ट्रुमेंट, डब्ल्यू. बी-8/2 कीर्तनगर, सम्बन्धित इंस्ट्रियल एस्ट्रिया नई दिल्ली-15
2. मैसर्स बेलिक एडमिनीस्ट्रेटिव सर्विसेज, एस-233, ग्रेटर कैलाम पार्ट-2 नई दिल्ली-43
3. मैसर्स प्रांतीन एण्ड कम्पनी, 2680, विनपुरा, करोलबाग, नई दिल्ली-5
4. मैसर्स इंस्ट्रक्यूट लीजिंग एण्ड काइसेस सिमिटेड, 3, प्रोडक्ट्स कालोनी (बेस्ट) नई दिल्ली-65
5. मैसर्स हैम्बलूम एक्सपोर्ट प्रोडक्ट्स आफ इंडिया, एस-21 बीन पार्क एक्सटेन्शन (बेस्टमेट), नई दिल्ली
6. मैसर्स सबरवाल सिन्युरिटी कार्पोरेशन, 87, विनोध पुरी, लाजपत नगर, नई दिल्ली-24
7. मैसर्स इंस्ट्रैनेशन एंजीनीय-एस-5, बीन पार्क एक्सटेन्शन, नई दिल्ली और इसकी टी. के. 190 एस एन पार्क रोड, कन्नायार (करन एस्टेट) स्थित आधा
8. मैसर्स एक्सेंटा स्टोर्स 27-29 अंडर अफेंड लाला लाजपत नई रोड नियर लेडी थी चंग कलेज नई दिल्ली-48

गत: केन्द्रीय सरकार उक्त अधिनियम की घारा 1 का उपधारा 4-द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपचत्व उक्त स्थापनों की लागू करती है।

[म्. एस. 35019/156/86 एस. एस.-2]

New Delhi, the 2nd May, 1986

S.O. 2140.—Whereas it appears to the Central Government that the employers and the majority of employees in relation to the following establishments have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the respective establishments, namely :

1. M/s. Instruments Container Industries, Wz-8/2, Kirti Nagar, Industrial Area, New Delhi-110015.
2. M/s. Basic Administrative Services, S-233, Greater Kailash, Part-II, New Delhi-110048.
3. M/s. Parkash & Company, 2680, Beadonpura, Karol Bagh, New Delhi-110065.
4. M/s. Indequip Leasing and Finance Limited, 3 Friends Colony, (West) New Delhi-110065.
5. M/s. Handloom Export Products of India, S-21, Green Park, Extension (Basement) New Delhi-110016.
6. M/s. Sabharwal Security Corporation, 87, Vinobha Puri, Lajpat Nagar, New Delhi-110024.
7. M/s. International Agencies, S-5 Green Park Extension, New Delhi-16, including its branches located at T.K. 190, S.N. Park Road, Cannanore-1.
8. M/s. Embassy Stores, 27-29, Ajit Arcade Lala Lajpat Rai Road, near Lady Shri Ram College, New Delhi-110048.

Now, therefore, in exercise of the powers conferred by sub-section(4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the above mentioned establishments.

[No. S-35019 (156)/86-SS-II]

मई दिनों, १८ मई, १९८६

का अ. 214।—वैयसे जगपुर नियम सहकारी भूमि विकास एवं नियमित मरमीन महानगर पालिका (आर. ऐ/1324) (जिसे इसमें इसके पश्चात उक्त स्थापन कहा गया है) न असंचारी अधिक्षय नियंत्रण और प्रकलीन उपचार अधिनियम, 1952 का 17 (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 17 की उपचारा 2 के अधीन कूट दिये जाने के लिए आवेदन किया है।

और कल्पनीय मरकार का समावाह हो गया है कि उक्त स्थापन के कर्मचारी, किसी भूकृष्ण भूमि विकास एवं नियमित मरमीन महानगर पालिका की संस्कृति कीमत के अधीन कीवन वीमा नियम के रूप में कायदे उड़ा रखे हैं और ऐसे कर्मचारियों के लिए ऐसे कायदे उन फायदों से अधिक बनकूल हैं जो पर्याप्त नियंत्रण तथा उक्त स्थापन की अवधि वाली स्थापन की अवधि वाली स्थापन के अधीन उपचारा 2 के अधीन उन्हें प्रतुषय है।

अतः केंद्रीय सरकार, उक्त अधिनियम की धारा 17 की उपचारा 2 के द्वारा प्रदत्त वाक्तियों का प्रयोग करते हुए और इससे उपचार अनुमूलीक विनियिंग गती के अधीन रहते हुए उक्त स्थापन को तीन वर्ष की अवधि के लिए इकाई स्थापन के सभी उपबन्धों के प्रबंधन से छुट देती है।

प्रान्तुकूली

1. उक्त स्थापन के सम्बन्ध में नियोजक प्रविधियों अधिक्षय नियम प्रान्तुकूल राजस्थान को ऐसी विवरणियों द्वे जैव और ऐसे सेवा खेड़ों तथा नियोजन के लिए ऐसी सुविधायां प्रदान करेगा जो केंद्रीय मरकार, भवय नम्बर पर नियिष्ट करे।

2. नियोजक, ऐसे नियोजन प्रभारों का प्रत्येक भास की समाप्ति के 15 दिन तक भीतर संवाद करेगा जो केंद्रीय मरकार, उक्त अधिनियम का आरा-17 की उपचारा 3-के अनुष्ठान के अधीन भवय-समय पर नियिष्ट करे।

3. न.मूर्हिक वीमा स्थापन के प्रशासन में, जिसके अन्तर्गत सेवाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाता, वीमा श्रीमियम का संदाय, लेखालों का अन्तरण, नियोजन प्रभारों संदाय प्राप्त भी है, हाँ अथवा सभी अवयों का बहुन नियोजक द्वारा दिया जाएगा।

4. नियोजक केंद्रीय सरकार द्वारा अनुमोदित सामूहिक वीमा स्थापन के नियमों की एक प्रति भीतर अप्रत्येक वीमी सभायें संशोधन किया जाये, तब उस संशोधन को प्रति तथा कर्मचारियों की बहुसंख्या की भावा में उसकी मुद्रा दाता हो। प्रति द्वारा दिया जाये जाएगा।

5. यदि कोई ऐसा कर्मचारी जो कर्मचारी भविष्य निवारण का उक्त अधिनियम के अधीन कूट प्राप्त किसी स्थापन की अधिक्षय नियम का प्रत्येक ही मदस्य है, उसके स्थापन में नियोजित किया जाता है तो, नियोजक सामूहिक वीमा स्थापन के संदर्भ के रूप में उसका नाम त्रुट्रन दर्ज करेगा और उसकी वात सावधान अधिक्षय भागीदार जीवन, वीमा नियम का गंदल करेगा।

6. यदि उक्त स्थापन के अधीन कर्मचारियों को उपलब्ध कामदे बढ़ाने जाते हैं तो, नियोजक सामूहिक वीमा स्थापन के अधीन कर्मचारियों को उपलब्ध कामदे में समुचित रूप से वृद्धि किये जाने का व्यवस्था करेगा जिसमें कि कर्मचारियों के लिए सामूहिक वीमा स्थापन के अधीन उपलब्ध कामदे उन कामदों में अधिक प्रत्यकूल हो जो उक्त स्थापन के अधीन प्रत्येक है।

7. य.समूहिक वीमा स्थापन में विसी बत के होते हुए श्री यदि विसी कर्मचारी की मृत्यु पर इस स्थापन के अधीन सेवेय रकम उस रकम से कम है जो कर्मचारी को उस दशा में सेवेय होती जब वह उक्त स्थापन के अधीन होता हो, तो, नियोजक कर्मचारी के विशेष वारिस नाम/निर्देशित को प्रतिकर के रूप में दोनों रकमों के अंतर के बिनार रकम जो संदाय करेगा।

8. य.समूहिक वीमा स्थापन में विसी बत के होते हुए श्री यदि विसी कर्मचारी की मृत्यु पर इस स्थापन के अधीन सेवेय रकम उस रकम से अधिक होता हो, तो, नियोजक कर्मचारी के विशेष वारिस नाम/निर्देशित को प्रतिकर के रूप में दोनों रकमों का अधिक प्रत्यकूल हो जो उक्त स्थापन के अधीन प्रत्येक है।

9. यदि किसी कारणवश स्थापन के कर्मचारी भारतीय जीवन वीमा नियम को उम समूहिक वीमा स्थापन के, जिसे स्थापन पहले अपना चुना है अधीन नहीं रख जाते हैं तो इस कर्मचारी के अधीन कर्मचारियों को प्राप्त होने वाले कामदे किसी रौपि से कम हो जाते हैं तो यह रद्द की जा सकती है।

10. यदि किसी कारणवश स्थापन के कर्मचारी भारतीय जीवन वीमा नियम नियत करे, वीमियम का नंदाय करने में अप्रकृत रहता है भीतर पानिसी को अव्याहत हो जाने दिया जाता है, तो, उक्त रद्द की जा सकती है।

11. नियोजक द्वारा श्रीमियम के संदाय में किये गये किसी व्यापिकम की दशा में उन नृत सदस्यों के नाम नियोजितियों था विशेष वारिसों को जो यदि पह छूट न हो गई होती हो, उक्त स्थापन के अन्तर्गत भीतर वीमा कामदों के संदाय का उत्तराधित्य नियोजक पर होता।

12. उक्त स्थापन के भव्यस्वर में नियोजक इन स्थापन के अधीन अन्त वाले किसी सदस्य की मृत्यु होने पर उसके हकदार न.म. नियोजितियों/विशेष वारिसों को वीमाकूल रकम का संदाय तदरक्ता से भीतर प्रत्येक घणा में भारतीय जीवन वीमा नियम से वीमाकूल रकम प्राप्त होने के एक मास के भीतर भूमिकृत करेगा।

[सं. एस-35014 / 172/86/एस-2]

New Delhi, the 19th May, 1986

S.O. 2141.—Whereas Messers Jaipur Zila Sahakari Bhumi Vikas Bank Ltd., Malsisar House, Station Road Jaipur-6 (RJ/1324) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Rajasthan maintain such accounts and provided such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of Section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts submission of returns, payment of insurance premium transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this Scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Rajasthan and where any amendment is likely to effect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee or the legal heirs of the deceased member entitled for it and in any

case within one month from the receipt of claim complete in all respects.

[No. S-35014/172/86(SS-II)]

का. पा. 2142.—मैसर्ज हनडो नेशनल लिमिटेड इंडिया स्टेट नीलोर भारत इसकी शास्त्राएं जो क्रिली, बम्हा, कलकत्ता, पटना, गोहाटी, और मद्रास स्थित हैं (ए. पी. 4471) (जिसे इसके पश्चात उक्त स्थापन कहा गया है) ने कर्मचारी [भारतीय निधि और प्रकोण उपबन्ध अधिनियम, 1952 का 17 (जिसे इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 17 की उपचारा 2क के अधीन छूट दिये जाने के लिए आवेदन किया है।

ओर केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किसी पृथक अभियांत्र या प्रीमियम का मंदाय किये बिता ही, भारतीय जोग्य बीमा नियम की ताक्षणिक बीमा स्कीम के अधीन जोग्य बीमा के रूप में कायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये कायदे उन कायदों से अधिक अनुकूल हैं जो कर्मचारों नियोप सहबद्ध बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात उक्त स्कीम कहा गया है) के अधीन उन्हें अनुज्ञा दी है।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपचारा 2क वारा प्रदत्त अधिकारियों का प्रयोग करने द्वारा और इससे उपबन्ध अनुसूची में विनियिष्ट गार्डों के अधीन रहते द्वारा उक्त स्थापन की तीव्र वर्षीय और अवधि के लिए उक्त स्कीम के सभी उपबन्धों के प्रबंधन से छूट देती है।

प्राप्तिशील

1. उक्त स्थापन के संबंध में नियोजक प्राविधिक भवित्व नि विश्वास, भारतीय प्रदेश को ग्रीष्मी विवरणियों देनेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधायें प्रदान करेगा जो केन्द्रीय सरकार, समय समय पर नियिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रभारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर संबाय करेगा जो केन्द्रीय सरकार उक्त अधिनियम की धारा 17 के की उपचारा 3क के अंडे-के अधीन समय समय पर नियिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अंतर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय लेखाओं का अंतरण, निरीक्षण प्रभारों संबाय आदि भी है, होने काले सभी अधिकारियों का बहन नियोजक द्वारा दिया जाएगा।

4. नियोजन, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति और जब भी उसमें संशोधन किया जाये, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की मात्रा में उसकी मुख्य बातों का अनुबाद स्थापन के भूमन पहुंच पर प्रवर्णित करेगा।

5. यदि कोई ऐसा कर्मचारी जो कर्मचारी भवित्व निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भवित्व निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो, नियोजन सामूहिक बीमा स्कीम के संबंध के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बायत भावशक प्रीमियम भारतीय जोग्य बीमा नियम को संदर्भ करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध कायदे बदले जाते हैं तो नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध कायदों में समुक्त रूप से बदल किये जाने की व्यवस्था करेगा जिसमें कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध कायदे उन कायदों से अधिक अनुकूल हों जो उक्त स्कीम के अधीन अनुज्ञा हैं।

7. सामूहिक बीमा स्कीम में किसी भाव के होने पुरे भी यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के प्रधीन संदेश रकम उस से कम रखम है जो कर्मचारी को उस दशा में संदेश होता है जब वह उक्त स्कीम के प्रधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नाम निर्देशित को प्रतिकर के रूप में दोनों रकमों के अन्तर के बगवार रकम का संदेश करेगा।

8. सामूहिक बीमा स्कीम के उपबन्धों में कोई भी संशोधन प्रादेशिक भविष्य निधि आयुक्त, आन्ध्र प्रदेश के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो, वहाँ प्रादेशिक भविष्य निधि आयुक्त अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना वृद्धिकोण स्पष्ट करने का युक्तियुक्त अवसर देगा।

9. यदि किसी कारणवश स्थापन के कर्मचारी भारतीय जीवन बीमा निगम को उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है अक्षीय नहीं रह जाता है या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीत से कम हो जाते हैं, तो वह रह की जा सकती है।

10. यदि किसी कारणवश नियोजक उम्मीद नियम तारीख के भीतर जो भारतीय जीवन बीमा निगम नियम को, प्रीमियम का संदेश करने में असफल रहता है और परिसी को व्यवहर हो जाने दिया जाता है, तो वह रह की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदेश में किये गये किसी अपनिकम की वजा में उन मृत सदस्यों के नाम निर्दिष्टियों या विधिक वारिसों को जो यदि वह छूट न दी गई होती होते, उक्त स्कीम के प्रकार होते। बीमा फायदों के संदेश का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के संबंध में नियोजक ने स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर उसके हृकृदार नाम निर्दिष्टियों। विधिक वारिसों की बीमाहृत रकम का संदेश तत्परता से और प्रत्येक दशा में भारतीय जीवन बीमा निगम जैसे बीमाहृत रकम प्राप्त होने के एक साथ के भीतर सुनिश्चित करेगा।

[सं एस-35014 (173) 86 एस-एस-2]

S.O. 2142.—Whereas Messers. Indo National Limited, Industrial Estate, Nellore including its branches at Delhi, Bombay, Patna, Calcutta, Gauhati and Madras. (AP/4471) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the Provisions of the said Scheme for a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Andhra Pradesh maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct

under clause (a) of sub-section (3A) of Section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts submission of returns, payment of insurance premium transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this Scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Andhra Pradesh and where any amendment is likely to effect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee or the legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S-35014/173/86-PF. II (SS-II)]

का. आ 2143.—मैगर्स खरगोन होलोल कंस्युमर को-ऑपरेटिव स्टोर्स लिमिटेड ब्रागोन (मध्य प्रदेश) (एम. पी. 13753) (जिसे इसमें उसके पश्चात उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 का 17 (जिसे इसमें उसके पश्चात उक्त अधिनियम कहा गया है) की धारा 17 को उपस्थान (2A) के प्रधीन छूट दिये जाने के लिए प्रावेदन किया है।

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किसी पृथक अधिनियम या प्रीमियम का संदर्भ किये जिए यही, भारतीय जीवन वीमा नियम की सामूहिक वीमा स्कीम के अधीन जीवन वीमा के अप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से पर्याप्त अनुकूल हैं जो कर्मचारियों के लिए उक्त स्थापन के प्रधीन उन्हें अनुज्ञेय हैं।

अब: केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा-2के द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए और इससे उपायकरण अनुभवी में विनियिष्ट घर्तों के अधीन उत्तरे हुए, उक्त स्थापन की तीन बर्ष की अवधि के लिए उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुदृश्य

1. उक्त स्थापन के मंत्रिक में नियोजक पारिषद की अधीक्षत, मध्य प्रदेश को ऐसी विवरणियों देंते होंगे और ऐसे लेखा रखेगा तथा तिरोक्षण के लिए ऐसी नुस्खियाएं प्रदान करेगा जो केन्द्रीय गरकार, समय भर नियिष्ट करे।

2. नियोजक, ऐसे तिरोक्षण प्रभारों का प्रत्येक मास की ममायिका के 15 दिन के भीतर संदर्भ करेगा जो केन्द्रीय सरकार उक्त अधिनियम की आग 17 की उपधारा 3-के खंड-के अधीन समय समय पर नियिष्ट करे।

3. सामूहिक वीमा स्कीम के प्रशासन में, जिसके अंतर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, वीमा प्रमियम का संदर्भ, लेखाओं का अंतर्गत तिरोक्षण प्रभारों संदर्भ आदि भी है, तो ने वासि ममी व्ययों का बहुत नियोजक द्वारा दिया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक वीमा स्कीम के नियमों की एक प्रति और जब कभी उनमें मंजूरीदान किया जाए, तब उस संबोधन की प्रति सभा कर्मचारियों की बहुसंख्या की भावा में उसकी मुख्य व्ययों का अनुवाद स्थापन के सूचना पड़ पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन कुछ प्राप्त कियी स्थापन की भविष्य निधि का प्राप्त ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो, नियोजक सामूहिक वीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उम्मीद वादक प्रावधान भारतीय जीवन वीमा नियम को संदर्भ करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपनिवेश फायदे बड़ाये जाते हैं तो, नियोजक मामूलिक वीमा स्कीम के अधीन कर्मचारियों को उपनिवेश फायदों में मध्यस्थित स्थूल से दृष्टि किये जाते ही अवश्यक जरूर जीवन वीमा स्कीम के अधीन उपनिवेश फायदे उन फायदों से अधिक अनुकूल हो जो उक्त स्कीम के अधीन अनुज्ञेय हैं।

7. मामूलिक वीमा स्कीम में किसी बात के होते हुए भी यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संदर्भ रकम उम रकम से कम है जो कर्मचारी को उम दशा में मंजूरी होती जब वह उक्त स्कीम के मध्यस्थित होता तो, नियोजक कर्मचारी के विविध 1 दारिद्र्य/मानवर्द्धितालीको प्रतिक्रिया के रूप में दोनों रकमों के अंतर के वरावर रकम का संदर्भ करेगा।

8. सामूहिक वीमा स्कीम के उपबन्धों में कोई भी मंजूरीदान प्रारेखिक भविष्य निधि आयुक्त, मध्य प्रदेश के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहाँ किसी संसोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की मंभावना है, थहाँ प्रारेखिक भविष्य निधि आयुक्त अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना विट्टकोण स्पष्ट करने का युक्तियुक्त अवगत रहेगा।

9. यदि किसी कारणात्मक स्थापन के कर्मचारा भारतीय जीवन वीमा नियम को उस सामूहिक वीमा स्कीम के, जिसे स्थापन पहले प्रभास चुका

है अधीन नहीं रह जाता है या इस स्कीम के प्रधीन कर्मचारियों को ज्ञात होने वासि कायदे किसी रीति ले कम हो जाते हैं, तो यह रद्द को जा सकती है।

10. यदि किसी कारणात्मक उम नियम तारीख के भीतर जो भारतीय जीवन वीमा नियम तियत करे, प्रीमियम का संशय करने में असफल रहता है और पानिसी को ध्ययत हो जाने दिया जाता है तो, कुछ रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदर्भ में किये गये किसी व्यक्तिक्रम की व्याप में उन सूत सबस्थों के नाम नार्देश्वितियों गा विधिक वारियों को लो यदि यह कुछ न वी गई होती हो, उक्त स्कीम के अंतर्गत होने। वीमा व्यायों के संदर्भ का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के संबंध में नियोजक इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर उसके अन्तर्गत नाम नार्देश्वितियों विधिक वारियों को वीमाकृत रकम का संदर्भ तत्परता से और प्रत्येक दशा में भारतीय जीवन वीमा नियम से वीमाकृत रकम प्राप्त होने के एक मात्र के भीतर सुनिश्चित करेगा।

[म० एम-35014 (171)/86-ए-2]

S.O. 2143.—Whereas Messers. Khargone Wholesale Consumer Co-operation Store Limited, Khargone (Madhya Pradesh) (MP/3753) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2-A) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the power conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for, a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Madhya Pradesh maintain such accounts and provided such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of Section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts submission of returns, payment of insurance premium transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary

premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this Scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employee shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Madhya Pradesh and where any amendment is likely to effect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee or the legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S-35014/174/86-PF. II. (SS. II)]

का. आ. 2144.—मैगार्ड दिल्ली राजपुर मिल्ज कंपनी लिमिटेड, गोपसीयुर गैड, प्रह्लादगढ़ (जी.जे. 291) (जिसे इसमें इसके पास्तान उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकर्की उपलब्ध अधिनियम, 1952 का 17 (जिसे इसमें इसके पास्तान उक्त अधिनियम कहा गया है) की घारा 17 की उपधारा (2क) के अधीन छूट दिये जाने के लिए आवेदन किया है।

और केन्द्रीय सरकार का समाचार हो गया है कि उक्त स्थापन के कर्मचारी, किसी पृथक् भविष्याय या श्रीमियम का संदाय किये दिन ही, भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में कायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये कायदे उन कायदों से व्यापक अनुकूल हैं जो कर्मचारी निदेप सहबद बीमा स्कीम, 1976 (जिसे इसमें इसके पास्तान उक्त स्कीम गढ़ा गया है) के अधीन उन्हें अनुग्रह हैं।

प्रत: केन्द्रीय सरकार, उक्त अधिनियम की घारा 17 की उपधारा-2क द्वारा प्रदल गणियों का प्रयोग करते हुए और हमसे उपबोल अनुमति में लिखित रूप से अधीन रहते हुए उक्त स्थापन की तीन वर्ष की अवधि के लिए उक्त स्कीम के सभी उपबोलों के प्रबंधन से छूट देती है।

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प्रायुक्ति

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक भविष्य निधि आयुक्त, गुजरात को ऐसी विवरणियाँ भेजेगा और ऐसे लेखा रखेगा, तथा निरीक्षण के लिए ऐसे सुविधायें प्रश्न करेगा जो केंद्रीय गरकार, समय-समय पर निविष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रभारी का प्रत्येक मास की समाप्ति के 15 दिन के भीतर संदेश भेजेगा जो केंद्रीय सरकार, उक्त अधिनियम की घारा 17 की उपधारा 3-क के संबंध के अधीन समय-समय पर निविष्ट करे।

3. सामूहिक बीमा स्कीम के प्रश्नालय में, जिसके अन्तर्गत लेखाओं का रखा जाता, विवरणियों का प्रत्युत किया जाता, बीमा श्रीमियम का संदाय, लेखाओं का अन्तर्जल, नियोजित प्रभारी का संदाय आदि भी है, होते वाले सभी घटनाएँ या उक्त नियोजक द्वारा दिया जाता।

4. नियोजित अन्तीम सरकार द्वारा अनुमोदित सामूहिक बीमा स्कीम के नियन्त्रित को एक दूसरा और जब कभी उसमें संशोधन किया जाये तब उस संशोधन की पत्र और उसके उनमें संशोधन किया जाये, तब उस गणित के अन्तर्गत अन्यायिकों की बहुसंख्या की घावा में उसकी भव्य घावां या अनुचाल स्थापन के मुद्दना पृष्ठ पर प्रदर्शित करेगा।

5. यदि कोई दूसरा कर्मचारी जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त कियी स्थापन की भविष्य निधि का पहले ही मरम्मत है उक्त स्थापन में नियोजित किया जाता है तो नियोजित सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी घावत आवश्यक श्रीमियम भारतीय जीवन बीमा निगम को संदर्भ करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाये जाते हैं तो, नियोजित सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समिति रूप से संविधि दिये जाने की आवश्यकता करेगा जिसमें कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों जो उक्त स्कीम के अधीन अनुकूल हैं।

7. सामूहिक बीमा स्कीम में किसी घाव के होते हुए भी यदि किसी कर्मचारी की मरम्मत पर इस स्कीम के अधीन सदैय रकम उक्त रकम से कम है जो कर्मचारी को उक्त रकम में संदेश होती जब वह उक्त स्कीम के अधीन होता होता सो नियोजित कर्मचारी के विधिक वारिस/नाम निर्देशितों को प्रतिक्रिया के रूप में दोनों रकमों के अन्तर के बावजूद उक्त रकम का संदर्भ करेगा।

8. सामूहिक बीमा स्कीम के उपबोलों में कोई भी गंभीरों धन अधिनियम प्रादेशिक भविष्य निधि आयुक्त, गुजरात के पूर्व अनुमोदन के बिना लही किया जाएगा और जहां किसी संशोधन में कर्मचारियों के हित पर प्रतिकूल प्रभार अनुकूल होता हो वहां प्रादेशिक भविष्य निधि आयुक्त अपना अनुमोदन देने पर्वत अनुकूल होने वाले विधिक वारिस/नाम निर्देशितों का गुरुकालाग्रहण अवश्य देगा।

9. यदि किसी कारणबाट स्थापन के कर्मचारी भारतीय जीवन बीमा निगम को उक्त सामूहिक बीमा स्कीम के, जिसे स्थापन, पहले अपना चुका है अधीन नहीं रख जाता है या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले कायदे किसी रीत से कम हो जाते हैं, तो यह रद्द की जा सकती है।

10. यदि किसी कारणबाट उक्त नियोजक उस नियत तारीख के भीतर जो भारतीय जीवन बीमा निगम नियत करे, श्रीमियम का संदाय करते में असफल रहता है और पालिसी को व्यवहार हो जाने दिया जाता है तो इस रद्द की जा सकती है।

11. नियोजित द्वारा श्रीमियम के संदाय में किये गये किसी व्यापक अधिनियम की दणा में उन मृत मरम्मतों के नाम निर्देशितों या विधिक वारिसों को

जो यह यह छूट न ही गई होती तो उक्त स्थापन के अधीन होते। लेखा कायदों के संदर्भ का उत्तरदायित्व नियोजक पर होता।

12. उक्त स्थापन के संबंध में नियोजक इस स्कीम के आधीन आये वाले किसी सदस्य की मृत्यु होने पर उस के हक्कादार नाम निर्दिष्टियों/विविध बासियों को बीमाहत रकम का संदाय सत्पत्ता से अंत प्रत्येक दिन में भारतीय जीवन बीमा नियम से बीमाहत रकम प्राप्त होने के लक्ष मात्र के भीतर सुनिश्चित करेगा।

[सं. एस-35014(175) 86 एवं एस-2]

S.O. 2144.—Whereas Messrs. The New Rajpur Mills Company Limited Gomtipur Road, Ahmedabad (GJ/291) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2-A) of section 17 of the said Act, and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Gujarat maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of Section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts submission of returns, payment of insurance premium transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this Scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

3. No amendment of the provisions of the Group Insurance Scheme shall be made without the prior approval of the Regional Provident Fund Commissioner, Gujarat and where any amendment is likely to effect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee or the Legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S-35014/175/86-PF. II (SS-II)

का. आ. 2145.—मैर्सर्ज श्री विवेकानन्द मिल्स लिमिटेड, रखिल रोड, अहमदाबाद-21 (जी. जे./302), (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भवित्व निधि और प्रकारीण उपचार अधिनियम, 1952 का 17 (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के आधीन छूट दिए जाने के लिए आवेदन किया है।

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी किसी पृथक् अस्तित्व या प्रीमियम का संदाय किये बिना ही, भारतीय जीवन बीमा नियम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के लक्ष में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये कायदे उन फायदों के प्रतिक अनुकूल हैं जो कर्मचारी निषेप सहबद्ध बीमा स्कीम 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुज्ञय हैं।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा-2क द्वारा प्रदत्त अधिकारों का प्रयोग लगाते हुए और इससे उपाबद्ध अनुसूची में विनियिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन की तीन वर्ष की अवधि के लिए उक्त स्कीम के अभी उपचारों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के संबंध में नियोजित प्रादेशिक भवित्व निधि आयुक्त, गुजरात की ऐसी विवरणियाँ भेजेगा और लेखा खेला तथा निरीक्षण के लिए ऐसी सुविशेष प्रशान्त करेगा जो केन्द्रीय सरकार, समय-समय पर विस्तृत करें।

2. नियोजक, ऐसे निरीक्षण प्रभारों का प्रत्येक सामाजिक के 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा 3-क के खंड के अधीन समय-समय पर निर्दिष्ट करें।

3. सामूहिक बीमा स्कीम के प्रशान्त में, जिसके अन्तर्गत लेखाओं का रखा जाना विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय लेखाओं का अन्तरण, निरीक्षण प्रभारों संदाय का आदि भी है, होने वाले भी व्ययों का सहन नियोजक द्वारा दिया जाएगा।

4. नियोजन, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति और जब कभी उनमें संशोधन किया जाये, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुबंध स्थापन के सूचना पट्ट पर प्रवर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो, नियोजन सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा नियम को संदर्भ करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाव जाते हैं तो, नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से बढ़िये किये जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध उन फायदों से अधिक अनुकूल हों जो कि उक्त स्कीम के अधीन अनुज्ञय हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संदेश रखम उस रखम से कम है जो कर्मचारी को उस दशा में संदेश होती जब वह उक्त स्कीम के अधीन होता तो नियोजक कर्मचारी के विधिक वारिस/नाम निर्देशितों को प्रतिक्रिया के रूप में दोनों रकमों के अन्तर के बराबर रखम का संदाय करेगा।

8. सामूहिक बीमा स्कीम के उपबंधों में कोई भी संशोधन प्रादेशिक भविष्य निधि आवृत्ति, गुजरात के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहां, किसी संशोधन कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहां प्रादेशिक भविष्य निधि आवृत्ति अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का व्युक्तियुक्त अवसर देंगा।

9. यदि किसी कारणदण्ड स्थापन के कर्मचारी भारतीय जीवन बीमा नियम कोई उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है अधीन नहीं रह जाता है या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो वह रह की जा सकती है।

10. यदि किसी कारणदण्ड स्थापन नियोजक उस नियत दारिद्र्य के भीतर जो भारतीय जीवन बीमा नियम नियत करे, प्रीमियम का संदाय करने में असफल रहता है और पालिसी को व्ययगत हो जाने दिया जाता है तो, छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदाय में किये गये किसी व्यतिक्रम की दशा में उन मृत सदस्यों के नाम निर्देशितियों या विधिक वारिसों को जो यदि यह छूट न दी गई होती तो, उक्त स्कीम के अन्तर्गत होते। बीमा फायदों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के संबंध में नियोजक इस स्कीम के अधीन आने किसी सदस्य की मृत्यु होने पर उसके हकदार नाम निर्देशितियों/विधिक वारिसों को बीमाकृत रखम का संदाय तत्परता से और प्रत्येक दशा में भारतीय जीवन बीमा नियम बीमाकृत रखम प्राप्त होने के एक मास के भीतर सुनिश्चित करेगा।

[सं. ए-35014(176) -एस एस -2]

S.O. 2145.—Whereas Messers. Shri Vivekanand Mills Limited Rakhil Road, Ahmedabad-21 (GJ/302) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life

Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Gujarat maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of Section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts submission of returns, payment of insurance premium transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this Scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Gujarat and where any amendment is likely to effect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of insurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme, the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee or the Legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S-35014/176/86-PF. II(SS.JI)]

का.धा. 2146.—मैसर्स कैप्सी इन्डिस्ट्रीज निमिट्ट-32 रामजी भाई कामनी रोड, बलांड स्टेट, बम्बई के इसकी देखती, कलकत्ता, भारत और बंगलौर स्थित शास्त्राएँ (एम. एच. /4496) (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी विविध और प्रकारण उपचार अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त प्रशिनियम कहा गया है) की धारा 17 की उपचारा (2क) के अधीन अनुकूल दिये जाने के लिए आवेदन किया है।

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी किसी पृथक् अभिनाय या प्रीमियम का संदाय किए बिना ही, भारतीय जीवन बीमा नियम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निषेध सहबद्ध बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुशेय हैं;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपचारा (2-क) द्वारा प्रबन्ध शक्तियों का प्रयोग करते हुए, और इससे उपबद्ध अनुसूची में विनियोजित शर्तों के अधीन रहते हुए, उक्त स्थापन को तीन वर्ष की अवधि के लिए उक्त स्कीम के सभी उपचारों के प्रबन्धन से छूट देती है।

अनुसूची

1. उक्त स्थापन के सम्बन्ध में नियोजक प्रादेशिक भविष्यत नियंत्रण आयुक्त, बम्बई को ऐसी विवरणियाँ भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधाएँ प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निर्दिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रभारी का प्रत्येक साल की नियमिति के 15 दिन के भीतर संदाद करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपचारा (3-क) के लिए (क) के अधीन समय-समय पर निर्दिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रशासन भा. जिसके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय, लेखाओं का उत्तरण, निरीक्षण प्रभारी का संदाय आदि भी है, होने वाले सभी व्ययों का बहुनियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति और जब कभी उनमें संघी-धन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुचाल स्थापन के सूचना पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी जो कर्मचारी भविष्य नियंत्रण का उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य नियंत्रण का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो, नियोजक सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तूरन्त दर्ज करेगा और उसकी द्वावत् योद्धायक प्रीमियम भारतीय जीवन बीमा नियम को संदर्भ करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध कायदे बढ़ाए जाने हैं तो, नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध कायदों में समीक्षित रूप से वृद्धि किए जाने तो व्यवस्था करेगा, जिसमें कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध कायदे उन कायदों से अधिक अनुकूल हों जो उक्त स्कीम के अधीन अनुशेय हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संदेश रकम उस रकम से कम है जो कर्मचारी को उस दिन में संदेश होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विविध वारिस/नाम निर्देशिती को प्रतिकर के रूप में दोनों रकमों के अन्तर के प्रत्यक्षर रकम का संदाय करेगा।

8. सामूहिक बीमा स्कीम के उपचारों में कोई भी संशोधन प्रादेशिक भविष्य नियंत्रण आयुक्त, बम्बई के पर्व अनुमोदन के दिन नहीं किया जाएगा और जहां किसी संशोधन से कर्मचारियों की हित प्रतिकूल प्रभाव पड़ने की संभावना हो, वहां प्रादेशिक भविष्य नियंत्रण आयुक्त अपना अनुमोदन देने से पूर्व कर्मचारियों को उपना दृष्टिकोण स्पष्ट करने का युक्तियुक्त धावमर होगा।

9. यदि किसी कारणवश स्थापन के कर्मचारी भारतीय जीवन बीमा नियम की उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना छूटा है अधीन नहीं रह जाते हैं या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं तो, यह छूट रद्द की जा सकती है।

10. यदि किसी कारणवश नियोजक उस नियत सारीख के भीतर जो भारतीय जीवन बीमा नियम नियत करे, प्रीमियम का संदाद करने में असफल रहता है और पालियो को व्यप्रकाश हो जाने दिया जाता है तो, छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदाय में किए गए किसी छूट की दशा में उन मृत् सदस्यों के नाम निर्देशितियों या विविध वारिसों को जो यदि यह छूट न दी गई होती तो, उक्त स्कीम के अन्तर्गत होते, बीमा फायदों के संदाय का उत्तराधारित नियोजक पर होगा।

12. उक्त स्थापन के सम्बन्ध में नियोजक इस स्कीम के अधीन लाने वाले किसी सदस्य की मृत्यु होने पर उसके हक्कदार नाम निर्देशितियों/विविध वारिसों को बीमाकृत रकम का दर्दाय दरमाना से और प्रत्येक दशा में भारतीय जीवन बीमा नियम से बीमाकृत रकम प्राप्त होने के एक भाव के भीतर सुनिश्चित करेगा।

[संलग्न एस-35014/177/86-पी. एफ. 2 (एस. एस. -2)]

S.O. 2146.—Whereas Messrs Kaycee Industries Limited, 30 Ramji Bhai Kamani Road, Ballard Estate, Bombay-400038 and its branches at Delhi, Calcutta, Madras and Bangalore (MH/4496) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Maharashtra, maintain such accounts and provided such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of Section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premium, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced so that the benefits available under the Group Insurance scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this Scheme be less than the amount that would be payable had employee been covered under the said scheme the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Maharashtra and where any amendment is likely to effect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee or the legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

वा.आ. 2117:—मैसर्से महकारी भीमाना दुध संघ मयोद्धा, हर्वीवर्गज, भोगल (एम.पी./864) (जिसे इसमें इसके पश्चात् उक्त स्थापन दर्शा गया है) ने कर्मचारी भविष्य निधि आर प्रक्रिया उपचार अधिनियम 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम दर्शा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन प्रियो है;

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किसी पृथक् अभिदाय या प्रीमियम का संदाय किए बिना ही, भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से ग्राहिक अनुकूल हैं जो कर्मचारी निक्षेप दर्शवाह बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुज्ञेय हैं;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा 2क द्वारा प्रदत्त यक्तियों का प्राप्त होते हुए और उससे उपचार अनुसूची में विलिंग्टन मर्टी के अधीन रहते हुए, उक्त स्थापन का तीस वर्ष की अवधि के लिए उक्त स्कीम के सभी उपचारियों के प्रबंधन से छूट देकी है।

अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक भविष्य निधि आयुक्त, मध्य प्रदेश को ऐसी विवरणियां भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी मुविधाएं प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निर्दिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रभारों का प्रत्येक मास की सामान्यता के 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (3क) के खंड (क) के अधीन समय-समय पर निर्दिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अंतर्गत सेक्षांतों का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय, लेखांतों का अंतरण, निरीक्षण प्रभारों का संदाय आदि भी है, हेनें वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों को बहुसंख्या को भाषा में उसकी मुद्द्य बातों का अनुवाद, स्थापन के सूचना पट्ट पर प्रक्षिप्त करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन सूट प्राप्त कियी स्थापन से भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो, नियोजक सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरत दर्ज करेगा और उसकी आधा प्राकृतक प्रीमियम भारतीय जीवन बीमा निगम की सरलत करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाये जाते हैं तो नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि किए जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुज्ञय हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संदेश रकम उस रकम से कम है जो कर्मचारी को उस दशा में संदेश होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नाम नियंत्रित को प्रतिकर के रूप में दोनों रकमों के अन्तर के बराबर रकम का संदाय करेगा।

8. सामूहिक बीमा स्कीम के उपलब्धों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त, मध्य प्रदेश के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ते की सम्भावना हो वहाँ प्रादेशिक भविष्य निधि आयुक्त अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तियुक्त अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम की उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को ग्राह नहीं वाले फायदे किसी रीत से कम हो जाते हैं, तो यह छूट रह की जा सकती है।

10. यदि किसी कारणवश, नियोजक उक्त नियन्त्रित सारीख के भीतर जो भारतीय जीवन बीमा निगम नियत वरे प्रीमियम का संदाय करने में असफल रहता है, और पालिसी को व्यवस्था हो जाने दिया जाता है तो, छूट रह की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदाय में किए गए किसी व्यतिक्रम की दशा में, उन मृत सदस्यों के नाम निर्देशितियों या विधिक वारिसों को जो यदि यह छूट न दी गई होती तो उक्त स्कीम के अंतर्भृत होते, बीमा फायदों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के संबंध में नियोजक इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर उसके हकदार नाम निर्देशितियों/विधिक वारिसों को बीमाकृत रकम का संदाय तत्परता से और प्रत्येक दशा में भारतीय जीवन बीमा निगम से बीमाकृत रकम प्राप्त होने के एक मास के भीतर सुनिश्चित करेगा।

[क्र.एस-35014(178)/86-प.एक. II (एक.एक. II)]

S.O. 2147.—Whereas Messrs Bhopal Dugdhe Sangh Sahakari Muryadit, Habibganj, Bhopal (MP/864) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of 3 years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Madhya Pradesh, maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government, may, from time to time, direct under clause (a) of sub-section (3A) of Section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premium, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this Scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Madhya Pradesh and where any amendment is likely to effect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India, as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium, the responsibility for payment of as-

surance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme, the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee or the Legal heirs of he deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S-35014/178/86-PF.II(SS-II)]

का.आ. 2148.—मैसर्स सी.एस.आई. कल्याणी जनरल अस्पताल 15, डा. राधाकृष्णन स्लाई माईलपुर, मद्रास-600004 (टी. एन. 7535) (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है।

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किसी पृथक् अधिकारीय वा प्रीमियम का संदाय किये बिना ही, भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन कायदों से अधिक अनुकूल हैं जो कर्मचारी निषेध सहबद्ध जीवन बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुज्ञय हैं।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा-2क द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इसमें उपबंध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन की तीन वर्ष की अवधि के लिए उक्त स्कीम के सभी उपबंधों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक भविष्य निधि आयुक्त, मद्रास को ऐसी विवरणियां भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधायें प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निर्दिष्ट करे।

2. नियोजक ऐसे निरीक्षण प्रभारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा-17 की उपधारा 3-क के खंड(क) के अधीन समय-समय पर निर्दिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अन्तर्गत लेखांडों का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय, लेखांडों का अन्तरण, निरीक्षण प्रभारों का संदाय आदि भी है, होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।

4. नियोजन, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति और जब कभी उनमें संशोधन किया जाये, तब उस संशोधन की प्रति तथा कर्मचारियों की बदुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद स्थापना के सूचना पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त कियी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो, नियोजक सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को संदर्त करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाये जाते हैं तो, नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में सदुचित रूप से बढ़ाया जाने की व्यवस्था करेगा, जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध

फायदे उन फायदों से अधिक अनुकूल हों जो उक्त स्कीम के अधीन अनुज्ञय हैं।

7. सामूहिक बीमा स्कीम में किसी बाल के होते हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संवेदन रकम उस रकम से कम है जो कर्मचारी को उस दशा में संदेश होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विविध वारिस/नाम निर्देशितों को प्रतिकर के रूप में दोनों रकमों के अन्तर के बाबार रकम का संदाय करेगा।

8. सामूहिक बीमा स्कीम के उपबंध में कोई भी संशोधन प्रादेशिक भविष्य निधि आयुक्त, मद्रास के पूर्व अनुसोदत के बिना नहीं किया जाएगा और जहां किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो, वहां प्रादेशिक भविष्य निधि आयुक्त अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तियुक्त अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी भारतीय जीवन बीमा निगम को उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाते हैं या इस लकीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रोति से कम हो जाते हैं, तो यह छूट रद्द की जा सकती है।

10. यदि किसी कारणवश नियोजक उस नियत तारीख के भीतर जो भारतीय जीवन बीमा निगम नियत करे, प्रीमियम का संदाय करने में असफल रहता है और पालिसी को व्याप्त हो जाने दिया जाता है तो, छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदाय में किये गये किसी व्यतिक्रम की दशा में उन मृत सदस्यों के नाम निर्देशितियों या विविध वारिसों को जो यह छूट न दी गई होती तो, उक्त स्कीम के अन्तर्गत होते, बीमा फायदों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के संबंध में नियोजक उस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर उसके हकदार नाम निर्देशितियों/विविध वारिसों को बीमाकृत रकम का संदाय तप्तपता से और प्रत्येक दशा में भारतीय जीवन बीमा निगम से बीमाकृत रकम प्राप्त होने के एक मास के भीतर सुनिश्चित करेगा।

[सं. एस-35014(179)/86-प.एफ. II(एस-एस-II)]

S.O. 2148.—Whereas Messers C.S.I. Kalyani General Hospital 15, Dr. Radhakrishnan Salai, Mylapore, Madras 600004 (TN) [7535] (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefit under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

SCEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Tamil Nadu, maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct

under clause (a) of sub-section (3A) of Section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premium, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this Scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Tamil Nadu and where any amendment is likely to effect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee or the legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S-35014/179/86-PF. II (SS. II)]

का. आ. 2149.—केन्द्रीय सरकार को यह प्रतीत होता है कि नीसर्ट किजाकूट हैड्मोज, ग्रीमपर, पोस्ट ऑफिस-क्रिचर, केंगल नामक स्थापन से मंशेल निपोजक और कर्मचारियों की बहुमंखी इस वात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकोर्ट उपबंध अधिनियम, 1952 (1952 का 19) के उपर्युक्त उन स्थापन को लागू किए जाने चाहिए।

प्रत: केन्द्रीय सरकार, उक्त अधिनियम की घारा-1 की उपधारा-(4) तथा प्रदस्त शक्तिय का प्रयोग करते हुए उक्त अधिनियम के उपर्युक्त उन स्थापन को लागू करती है।

[संख्या एस-35019(153)/86-एस.एस.-2]

S.O. 2149.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as M/s. Kizhak Koot Industries, Arimpoor, Post Office, Trichur, Kerala have agreed that the Provision of the Employees' Provident Funds and Misc. Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment,

Now, therefore, in exercise of the powers conferred by sub-section(4) of section 1 of the said Act, the Central Government hereby applies the Provisions of the said Act to the said establishments.

[No. S-35019(153)]86-SS-II]

नई दिल्ली, 21 मई, 1986

का. आ. 2150—केन्द्रीय सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की घारा 8 के लंब (ख) के अनुसरण में कुमारी भीरा शेठ के स्थान पर श्री अर्जीत सिंह, अपर सचिव, भारत सरकार, अम मंत्रालय, नई दिल्ली को कर्मचारी राज्य बीमा निगम की स्थायी सभिति के सदस्य के रूप में नामनिश्चित किया है :

श्री अर्जीत सिंह, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की घारा 8 के अनुसरण में, भारत सरकार के अम मंत्रालय की अधियूक्ता संघा का. आ. 5290 दिनांक 4 नवम्बर, 1985 में निम्नलिखित संशोधन करती है, अर्थात् :—

उन अधिसूचना में, “[केन्द्रीय सरकार द्वारा घारा 8 के लंब (ख) के प्रतीत नाम निर्दिष्ट]” शीर्षक के तीव्र मुद्रे 2 के सामने की प्रसिद्धि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएंगी, अर्थात् :—

“श्री अर्जीत सिंह,
अपर सचिव, भारत सरकार,
अम मंत्रालय, नई दिल्ली।”

[सं. यू-16012/4/85-एस-1]

New Delhi, the 21st May, 1986

S.O. 2150.—Whereas the Central Government has, in pursuance of clause (b) of section 8 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri Ajit Singh Additional Secretary to the Government of India, Ministry of Labour, New Delhi as a member of the Standing Committee of the Employees' State Insurance Corporation, in place of Miss Meera Seth;

Now, therefore, in pursuance of section 8 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour S.O. 5290 dated the 4th November, 1985, namely :—

In the said notification, under the heading “[Nominated by the Central Government under clause (b) of section 8]”, for the entry against Serial Number 2, the following entry shall be substituted, namely :—

“Shri Ajit Singh,
Additional Secretary to
the Government of India.
Ministry of Labour,
New Delhi.”

[No. U-16012/4/85-SS-I]

नई दिल्ली, २२ मई, १९८६

का. प्रा. २१५।—वेस्टर्न गवर्नर को यह प्रभावित होना है कि नियमित स्थापन में सम्बद्ध नियोजक और कर्मचारियों की घटुण्या इन वार्ता पर सहमत हो गई है कि कर्मचारी भविष्य निवि और प्रकर्ण उपबन्ध अधिनियम, १९५२ (१९५२ का १९) के उत्तराधिकार स्थापन को लागू किय जाने चाहिए :—

१. मैसर्स भागवान जश्वर लाइट नं. ११ सेक्टर १४ मार्केट, राउरकेला-९
२. मैसर्स पापुनगन लिमिटेड सेक्टर उत्तरल मूल्यांकिट, बानी, भुवनेश्वर-१
३. मैसर्स प्रशास केमिकल इंडस्ट्रीज, कारपोरेशन रोड, छहमुर जिला गंगम
४. मैसर्स वी अर्ट्स को-ऑपरेटिव बैंक लिमिटेड, भिर्भीनिया, नानिया, कटक
५. मैसर्स दामोदर मार्गवर आउनिया पट्टी कटक-१
६. मैसर्स वी उडीसा स्टेट इलेक्ट्रोनिक्स डेवलपमेंट कारपोरेशन लिमिटेड २६९ शहीद नगर, भुवनेश्वर-७
७. मैसर्स रामानन्द महनी प्रश्नाली पी. प्रा. जगन्नाथगुर आयर लूट, जिला कटक
८. मैसर्स एन के बोम एन्ड सन्स, पी. ओ. ओडा, जिला नॉर्थ
९. मैसर्स अमर प्रस्टर प्राइमिंग, लू लाइट हाउस, पी. रोड, राउरकेला-१
१०. मैसर्स राणा इन्डर प्राइवेट, मार्गवर भाग चरलो, नॉर्थ रोड, राउरकेला-१
११. मैसर्स कालिगा इन्जिनियरिंग लिमिटेड आठारह बंकी प्रशीन पीट, कटक और इसका भूगोल, भुवनेश्वर लियत प्रधान कार्यालय
१२. मैसर्स दावल फर्मास्युटिकल एण्ड केमिकल, बीषमा, कटक
१३. मैसर्स एन. गी. अद्वाचार्जी पी. प्रा. जोड़ा-३४, जिला कटक
१४. मैसर्स इंडिया स्पोर्ट आयरन लिमिटेड पी. प्रा. जोड़ा कल्पा [कियोन्सोर, उडीसा और इसका जमशेदपुर लियत मुद्रा कार्यालय]
१५. मैसर्स आर्किस आफ वी एन्डमिनिस्ट्रेटर, श्री जगन्नाथ टेम्पल पुरा (जड़ीका)
१६. मैसर्स एम. आर. कल्पद्रुषन, पी. ओ. जोड़ा-३४, जिला कटक
१७. मैसर्स विजय कृष्णा राइस एण्ड फ्लोर मिल नार्म वीर गुडा जिला कोरापूर (जड़ीका)
१८. मैसर्स उडीता स्टेट कोरेटिव आयल नीच थोर्से फैडेशन ई-२, शहीद नगर भुवनेश्वर-७ और इसकी (१) नवा बाजार कटक (२) समन्तापुर भुवनेश्वर (३) छहमुर गंगम (४) खोतावुरी लियत वार शास्त्राएं
१९. मैसर्स भारत टायर एफेस पी. ओ. जयपुर डिस्ट्रिक्ट कोरापूर
२०. मैसर्स भेशनल इन्जिनियरिंग एंकल, लाल टंकी, राउरकेला-७
२१. मैसर्स उडीता दुर्गम एन्ड कैमिकल लिमिटेड ९३ सूर्यनगर, भुवनेश्वर और इसकी मानवेश्वर इंडस्ट्रीज स्टेट भुवनेश्वर लियत कैंप्टी
२२. मैसर्स तारिनी लेवर एंड कॉर्पोरेटर एण्ड कोरेटिव सोसाइटी लिमिटेड ई ल्सोफ मार्किट, कट्टीगढ़नगर टाउनशिप राउरकेला-७

अतः केन्द्रीय गवर्नर उक्त धारा लियम की भावा १, को उत्तराधिकार द्वारा प्रश्न दातानी करा द्वारा उत्तराधिकार स्थापन के उपबन्ध उक्त स्थापन को लागू करना है।

[एव-३५०१९(१५८)/८६ एव एस-२]

प्र. क. भट्टराई, प्रधार गविव

New Delhi, the 22nd May, 1986

S.O.2151.—Whereas it appears to the Central Government that the employees and the majority of employees in relation to the following establishments have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the respective establishments, namely,—

1. M/s. Bhagwan Jena, Plot No. 14, Sector-14, Market, Rourkela-9
2. M/s. Population Research Centre, Utkal University, Vanibehar, Bhubaneswar-4.
3. M/s. Prasad Chemical Industries, Corporation Road, Berhampur, District, Ganjam.
4. M/s. The Urban Cooperative Bank Limited, Tirikonia, Nagicha, Cuttack.
5. M/s. Damodar Maharaj, Jaunia Patti, Cuttack-1.
6. M/s. The Orissa State Electronics Development Corporation Ltd., 289, Sabid Nagar, Bhubaneswar-7.
7. M/s. Sadananda Mahato, Adhangapal, P.O. Jagannathpur Ashram School Distt. Keonjhar.
8. M/s. N. K. Bose and Sons, P.O. Joda-34, District, Keonjhar
9. M/s. Amar Enterprises, New Time House, Main Road, Rourkela-1
10. M/s. Rana Enterprises, Master Atta Chaki, Main Road, Rourkela-1
11. M/s. Kalinga Engineers Limited, Athara Banki Paradeep Port, Cuttack including its Head Office at Rasulgarh, Bhubaneswar-76
12. M/s. Dawn Pharmaceutical and Chemicals, Moradouh-Zorputna, Jobra, Cuttack.
13. M/s. N. C. Bhattacharjee at P.O. Jeda-34, Keonjhar
14. M/s. Ipitat Sponge Iron Limited, at P.O. Jeda, Dist. Keonjhar including its Head Office at P.O. Jamshedpur Dist. Singhbhum (Bihar)
15. M/s. Office of the Administrator Shri Jagannath Temple, Puri
16. M/s. M. R. Construction P.O. Joda-34 Dist. Keonjhar (Orissa) including its Head Office at Noamundi Bazar-18 Dist. Singhbhu (Bihar)
17. M/s. Vijay Krishan Rice and Flour Mill, Bajpariguda, Dist. Koraput (Orissa)
18. M/s. The Orissa State Co-operative Oilseeds Growers Federation Limited, D. 2 Saheed Nagar, Bhubaneswar-7, including its four branches located at (i) Naya Bazar Cuttack (ii) Samantrapur, Bhubaneswar (iii) Berhampur, Ganjam and (iv) Khudra, Puri.
19. M/s. Bharat Type Works, P.O. Jajpore Dist. Koraput
20. M/s. National Engineering Works, Lal Tauki, Rourkela-7
21. M/s. Orissa Druga & Chemicals Ltd., 93, Suryanagar, Bhubaneswar including its Factory at Mancheswar Industries Estate Bhubaneswar.
22. M/s. Tarini Labour Contract and Co-operative Society Ltd., E-Block, Market, Fertilizer Township, Rourkela-7.

नई दिल्ली, 16 मई, 1986

का. नं. 2152.—केन्द्रीय सरकार, भारत प्रधिनियम, 1952 (1952 का 35) की धारा 83 के उपधारा (1) द्वाय प्रबल शक्तियों का प्रयोग करते हुए, मैसंस आवरणाव भाइन कम्पनी, कापम स पालिंग द्वाय इस्टन कोल फॉल्स लिमिटेड की सतर्गम वरियाजना मै बीफट सक करते क कार्य के लए नियाजित व्याकृतयों का, कापम स आवरणम, 1957 क वानयम 34 क उपवानयम (2), वानयम 166 क उपवानयम (2) आर वानयम 194 क उपवानयम सूच दता है :

परम्परा यह तब जब शाटकायरक्षता, सिरदार, आवरणम भार प्रबल क उपवानस्थ तथा सिरदार स आवरणक आवरणाव के लए म नियाजित उक्त व्याकृतयों का आवरण मूल्य आवरण नियाजक द्वाय यह आवरणावत किया जाता है एक व उक्त आवरणम भार उक्त अवानयम अप गए अवानयम भार वानयम म व्यावानयम उक्त उक्त अवानयम का उपवानयम करते क लए समझ दूँ।

(प. ५४-२९०१४(7)८५५५ न्यू
का. क. वानयम, भार सामन

New Delhi, the 16th May, 1986

S.O. 2152.—In exercise of the powers conferred by sub-section (1) or section 17 of the Mines Act, 1952 (35 of 1952), the Central Government hereby exempts the persons employed by Messrs Overseas Mines Construction Company, Kurnool, engaged in sinking of shafts in the Sargam Project of the Eastern Coalfields Limited, from the provisions of sub-regulation (4) or regulation 34, sub-regulation (2) of regulation 166 and regulation 194 of the Coal Mines Regulations, 1957 :

Provided that the said persons engaged as shortfirers, sudars, overmen and officials subordinate to the manager and superior to the sudar are adjudged competent by the Chief Inspector of Mines to perform their duties as specified in the said Act and the rules and regulations framed thereunder.

[No. S-29014(7)83-MI]

L. K. NARAYANAN, Under Secy.

नई दिल्ली, 16 मई, 1986

का. नं. 2153.—जीयोगिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 17 के उन्नरण मे, केन्द्रीय सरकार, भारतीय रिजर्व बँक, नागपुर, के प्रबलतम से सम्बद्ध वियाजकों और उपके कम्पकारों के रिच, उन्नरण मे निविष्ट जीयोगिक विवाद मे केन्द्रीय सरकार जीयोगिक प्रधिकरण न. 1, अमरी के प्रवाट का प्रकाशित करती है, जो केन्द्रीय सरकार को 6-5-86 को प्राप्त हुया था।

New Delhi, the 16th May, 1986

S.O. 2153.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the Reserve Bank of India, Nagpur and their workmen, which was received by the Central Government on the 6th May, 1986.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

Reference No. CGIT-16 of 1985

PARTIES :

Employers in relation to Reserve Bank of India, Nagpur.

AND

their workmen

APPEARANCES :

For the Management : Mr. Zacharias, Asstt. Legal Advisor.

For the Workman : Workman appeared personally.

INDUSTRY : Banking

STATE : Maharashtra

Bombay, the 31st day of March, 1986

AWARD

This reference dated 18th November, 1985 under S. 10(1)(d) of the Industrial Disputes Act is worded as below :—

"Whether the action of the management of the Reserve Bank of India, Nagpur in treating the period of suspension of Shri Mohan Singh, temporary Cook from 23-6-74 to 20-4-1976 as extra ordinary leave without wages and thus depriving him of his pay and allowances for the long period of 1 year 10 months and 5 days is justified especially when he has been completely exonerated of the Criminal charge for which he was arrested and suspended by a competent Court ? If not, to what relief is the workman entitled ?"

2. Notices were issued pursuant to receipt of the reference on 6th December, 1985 to the Reserve Bank as well as the union which espoused the cause of the concerned workman, namely Mohan Singh. The Bank as well as the employee filed statements in their behalf, both on merits as well as on a preliminary objection raised by the Bank.

3. The Bank raised two preliminary objections. Firstly, it contended that the dispute is an individual dispute relating to Mohan Singh and has not been properly espoused according to it, by the Kashiya Reserve Bank Karmachari Sangh, Nagpur. That the Sangh does not enjoy a substantial following amongst the Class-IV employees, and therefore, it can not become an industrial dispute and the reference in the circumstances and the exercise of jurisdiction under S. 10(1)(d) is erroneous. It secondly contended that a reference in identical terms was made by the Government of India on 9th May, 1977. That reference has still not been terminated and the Reserve Bank did not hear anything thereafter in the matter of the reference, either making an award or rejecting the reference.

4. On merits, the Bank contended that the employee who was governed by the terms and conditions of service as contained in Reserve Bank of India (Staff) Regulations, 1948. In terms of Regulation 46, sub-regulation 2 thereof, the management had a right to decide as to how the period of suspension should be treated, considering the judgement of the Judicial Magistrate, First Class, 2nd Court, Nagpur, who tried the case against the employee Mohan Singh in a criminal case No. 1605 of 1974, came to the conclusion that the period of suspension should be treated as extra-ordinary leave without pay, excepting a few days. That discretion having been properly exercised and having been vested in the management, it could not now be called in question.

5. With regard to the preliminary objection raised by the bank, the workman says that the Bank is not entitled to raise such a contention at this stage. The case of the workman was properly espoused by the Sangh and that the Bank has been discriminatory in its treatment, to Mohan Singh. While in some cases, the period of suspension was treated as period on duty, in the case of Mohan Singh, it has dealt with in another way.

6. The workman's contention was that the workman cannot be blamed. It did not dispute that a reference was made in the year 1977, but according to it, the order was either not transmitted to the Tribunal, or that the Tribunal having received that order, did not take any further action. For all practical purpose, according to it, the present reference is the first reference and the workman cannot be held guilty or the reference cannot be rejected on the ground that the 1977 reference was not adjudicated upon.

7. As regards the other preliminary objections, it contended that it was an industrial dispute, properly espoused by the union.

8. I have heard the parties on the preliminary objections and in particular the objection with regard to the making of the reference in the year 1985 when earlier there was a reference made by the Government of India on 9th May, 1977, which does not seem to have terminated in an award.

9. A copy of that order making the reference is produced as an annexure-1 to the Written Statement by the bank. That goes to show that such a reference did come to be made to the Central Government Industrial Tribunal, Bombay. However, the reference order does not say whether it was referred to Tribunal No. 1 or 2. On this contention having been raised and the reference order produced, a search was made to find out whether such a reference was received in the office of the Tribunal No. 1 or No. 2. It appears that even at that time in the year 1977, there were Two Tribunals, No. 1 and 2. It appears that no such reference has been received in both these Tribunals. Consequently, it is quite clear that no notices were issued, no order of reference having been received by the Tribunals at Bombay, the reference did not come to be adjudicated upon. The question, however, now is, in view of the power exercised by the Government of India in respect of the dispute on 9th of May, 1977 and the reference not having been culminated or resulted in an award granting the relief or rejecting the relief, whether for the same dispute in the year 1985, a reference could be made.

10. It seems to me considering the provisions of S. 10 sub-section 1, appropriate Government is entitled to exercise the power to make a reference under S. 10(1)(d), where the circumstances as laid down therein existed. Having once made the reference, as sub-section 4 lays down, the Tribunal has to confine its adjudication to the points referred to therein and the Tribunal in terms of S. 15 has to make an award and submit it to the appropriate Government. Further provisions in chapter 4 lay down as to when the award will come into operation and the effect of the award.

11. It will thus be seen that once the power is exercised by the Government of making a reference under S. 10 sub-section 1(d), the exercise of that power comes to an end with the transmission of the dispute to the Tribunal named therein. Once such an exercise of power is made, then it is the Tribunal which becomes seized of the matter and it alone has the jurisdiction to decide upon the dispute and to make its award. That jurisdiction vested in the Tribunal cannot be taken away and comes to an end only after the making of the award and its publication by the appropriate government. As long as such an award is not made and not published as required, no further consequences follow and the jurisdiction of the Tribunal cannot come to an end.

12. In the present case though it is not mentioned as to which of the Central Government Industrial Tribunals at Bombay either No. 1 or No. 2 the dispute was referred on 9th May 1977 the appropriate Government therefore did exercise the power under S. 10(1)(d) and had exhausted itself of that power. If the Tribunal to which that reference was made was not mentioned in the order of reference a subsequent amendment could have supplied that lacuna and rectified the defect.

13. Having once parted with the power to make a reference and the Tribunal thereafter become ceased of the jurisdiction over the dispute, the Government cannot resume the jurisdiction under S. 10(1)(d) and make a reference again of the very same dispute at a later stage. A reference once made has to result in an award, granting relief or rejecting the relief. It cannot remain in abeyance or suspense, so that at any future time, a power to make a fresh reference on the very same dispute is possible. The dispute once referred should result in an award and nothing else and the appropriate action on the part of the appropriate Government should have been and would be in the circumstances not to make a fresh reference in the year 1985, but to revive the reference made on the 9th May, 1977 or attract the attention of the Tribunal to the reference having been made and not having still been adjudicated. It would then be a reference of 1977, though proceedings thereof would commence much later. As to when proceedings should commence upon a reference validly made, there is no limitation. The limitation with regard to the disposal of dispute referred with regard to individual workmen came into force in 1982 and even there, if the period prescribed in the order of reference comes to an end, the reference would not become invalid. In this particular case in 1977, no time limit was specified and therefore the reference could be revived and proceedings taken up a new.

14. It is really unfortunate that a reference having been made in the year 1977, it should not have been prosecuted and proceeded with even by the parties. Both the workmen as well the bank are at fault for the pendency of this dispute for a long time. It would not however, be right considering several aspects of the matter, merely because the reference order does not seem to have been received in any of the Tribunals to proceed with the adjudication. The question is one of jurisdiction and not the need to adjudicate a long pending dispute. It should not also be seen as abdication by the Tribunal of its duty for it cannot with open eyes make an invalid award. In the circumstances, I have to reluctantly come to the conclusion that the present reference dated 18th November 1985 made by order No. L-12012(5)|77-D.II(A) is not competent and cannot be proceeded with. No order as to costs.

R. D. TULPULE, Presiding Officer

[No. L-12012|5|77-D.II(A)]

का. प्रा. 2154.—बीघोगिक विवाद प्रधिनियम, 1947 (1947 का 14) की बारा 17 के अनुसार में, केन्द्रीय सरकार, भारतीय स्टेट बैंक के प्रबंधतात्र से सम्बद्ध नियोजकों और उनके कार्यकारों के बीच, धनबाद में निविल बीघोगिक विवाद में केन्द्रीय सरकार बीघोगिक अधिकारण नं. 1, धनबाद के पांचांठ को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-5-86 को प्राप्त हुआ था।

S.O. 2154.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the State Bank of India and their workmen, which was received by the Central Government on the 7th May, 1986.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Sec. 10(1) (d) of the Industrial Disputes Act, 1947.

Reference No. 13 of 1981

PARTIES :

Employers in relation to the management of State Bank of India

AND

Their Workmen

APPEARANCES :

For the Bank|Management — Shri K. N. Prasad, Advocate.

For the Workman — Shri D. Mukherjee, Advocate.

STATE : Bihar.

INDUSTRY : Bank.

Dhanbad, the 30th April, 1986

AWARD

By Order No. L-12012|241|80-D.II.A, dated, the 2nd April, 1981, the Central Government being of opinion that an industrial dispute existed between the employers in relation to the management of State Bank of India and their workmen in respect of the matter specified in the schedule attached to the order referred the same for adjudication to this Tribunal, The schedule to the order of reference reads thus.

"Whether the action of the management of State Bank of India in relation to their Patna Branch in terminating the services of Shri Ramtinay Sharma, Ex-Guard-cum-Messenger with effect from 26-11-75

is justified? If not, to what relief is the workman concerned entitled?"

2. The case of the concerned workman Sri Rambinay Sharma is that he was initially appointed as Guard-cum-messenger against the substantive permanent vacancy on temporary basis by the competent authority of the State Bank of India and accordingly on 2-2-1972 he joined his service at Kadamkuat Branch of the State Bank of India. He continuously worked as Kadamkuat Branch till 21-1-75 and thereafter he was transferred to Bihar School Examination Board Branch of the Bank and he joined there on 21-1-75. He worked there till 30-1-75. He was transferred from Bihar School Examination Board Branch to Pataliputra Branch of the Bank and joined there on 31-3-75 and worked there till 30-6-75. Again he was transferred to Fraser Road Branch of the Bank and joined there on 1-7-75. While working in the Bank he was taking keen interest in trade union activities for which he was not liked by the authorities of the Bank. On account of this bias he was falsely implicated in a case of fraud. A confessional statement was extracted from him under threat that if he did not make that statement police will take action against him. On 26-11-75 the Manager of the Fraser Road Branch of the Bank without any written order did not permit him to do his duties amounting to his removal from service. The concerned workman had worked for about 718 days in the Bank from the date of his initial appointment in different branches. He had put more than 240 days of work in 1975 before the termination of his service. The Bank management did not give any letter stating the reason for his removal from service. The Bank did not hold any domestic enquiry against the concerned workman for misconduct prior to the termination of his service. He was not even asked to show cause against the misconduct committed by him. The removal of the concerned workman from service in the circumstance amounted to retrenchment under Section 2(oo) of the Industrial Disputes Act. The Bank did not pay any retrenchment compensation at the time of termination of his services and the other requirements of Sec. 25F of the Industrial Disputes Act were also not complied with and, as such, the order of termination of service of the concerned workman was invalid in law. The concerned workman made several representations for his reinstatement but the management of the Bank did not pay heed to it. The concerned workman, therefore, claims to be reinstated in service with effect from 26-11-1975 with all back wages.

3. The case of the management is that the concerned workman worked as temporary Guard-cum-messenger for 710 days between 27-12-72 to 25-11-75 in the various branches of the State Bank of India at Patna. When the concerned workman was working at Fraser Road Branch of the Bank, he committed a forgery in his Savings Bank Account by altering the balance noted therein with a view to withdraw the excess amount on 24-10-75. His Savings Bank Account Number was C/22. When the balance to the credit of the concerned workman was Rs. 7.01 only he made an interpolation in the Bank's ledger and enhanced the same to Rs. 47.01 by adding '4' before '7'. After making the said change in the Bank's ledger the concerned workman withdrew a sum of Rs. 45/- on 24-10-75 and thus he defrauded the Bank. While balancing the Savings Bank ledger for the month of October, 1975 the forgery committed by the concerned workman was detected and the Branch Manager made enquiry from the concerned workman regarding the said fraud. On enquiry by the Branch Manager the concerned workman accepted his guilt and gave his statement in writing that he had committed the fraud on account of dire necessity for money. He gave his written statement before the Branch Manager on 28-11-1975 admitting that he had changed the balance outstanding in his account in the Ledger Book and regretted for his act, and he deposited the excess amount of Rs. 45/- withdrawn by him. The Branch Manager did not allow the concerned workman to continue in duty in view of the serious offence committed by him. The concerned workman made representations to the Bank for his absorption after three years of the termination of his service claiming that the termination of his service was a case of illegal retrenchment. The Bank did not accept the representation of the concerned workman and thereafter the concerned workman raised an industrial dispute before the Asstt. Labour Commissioner (Central), Patna. After the conciliation proceeding ended in a failure

the present reference was made to this Tribunal for adjudication. The concerned workman was not entitled to any relief in view of his clear statement of confession accepting his guilt before the Branch Manager. In view of the fact that the concerned workman was a temporary workman no enquiry was needed before terminating his service.

4. The present reference was earlier disposed of on 4-8-1981 holding that the action of the management of State Bank of India in terminating the services of the concerned workman was not justified and he was entitled to reinstatement with full back wages and continuity of service. The management went in Writ before Hon'ble High Court in C.W.C. No. 1598 of 1981(R). In the said Writ his Lordship allowed the writ and quashed the award and remanded the matter to the Tribunal to decide the reference after giving reasonable opportunity to the management for adducing evidence and it was further directed that the Tribunal will give reasonable opportunity to the workman also for adducing evidence in the case if he chooses to do so. After the said order of remand the management of the State Bank of India examined five witnesses and the workman further examined himself in support of his case. The documents produced on behalf of the management of the State Bank of India, Patna, have been marked Exts. M-1 to M-9. The workman did not produce any document.

5. The question to be determined in this case is whether the termination of the service of the concerned workman with effect from 26-11-75 was justified.

6. Some facts in the case are admitted. The concerned workman had been appointed as Guard-cum-messenger in the State Bank of India and had been transferred to different branches of the said Bank at Patna and it appears that since the date of his appointment till 25-11-75 when his services were terminated he had completed more than 240 days of his service in a year prior to his termination of service. The management in its written statement has given the details of total days of work done by the concerned workman in the different branches of the Bank since the date of his appointment which itself shows that the concerned workman had completed 710 days of service in the Bank from the date of his appointment and that he had completed more than 240 days of work in a year prior to the termination of his service. The management of State Bank of India have alleged that the concerned workman was removed from service as he had committed fraud in the Bank's account which admittedly was a misconduct for which no disciplinary enquiry was held. It will also appear that no explanation was called for from the concerned workman before terminating his service on account of the alleged fraud against him. It is also admitted that no retrenchment compensation was given to the concerned workman and the provisions of Sec. 25F of the Industrial Disputes Act were not complied with. The case of the management is clearly spelled out in para 11 of their written statement in which it is stated that in view of the clear statement of confession of the guilt by the concerned workman and he being a temporary employee no enquiry was needed to prove the guilt and hence his services were discontinued which was a legal and proper order.

7. The workmen of the Bank are governed by the provisions of Desai Award and the present case which is a case of termination of service of the concerned workman will be governed by Desai Award. Para 521, clause 2(a) of the Award provides that when in the opinion of the management an employee has committed an offence, unless he be otherwise prosecuted, the Bank may take steps to prosecute him or get him prosecuted and in such a case he may also be suspended. Clauses 9 and 10 of Para 521 of the Award lay down the manner and method of conducting a disciplinary proceeding against the concerned workman for misconduct. Admittedly in this case the provisions of those clauses of the Desai Award have not been followed and as such the order of termination of the service of the concerned workman cannot be sustained. Even if the order of termination of the service of the concerned workman is not taken to be a punishment inflicted on him or his misconduct the order can only be held to be an order of retrenchment. The provisions of Sec. 25F of the Industrial Disputes Act have admittedly not been followed while terminating the service of the concerned workman and as such on this ground also the order of termination of the service of the concerned workman has to be held to be non-existent in the eye of law.

8. There were two alternative left to the management under clause 2(a) of Para 521 of Desai Award. The management could have prosecuted the concerned workman and in the alternative the management could also hold departmental enquiry into the charges of misconduct against the concerned workman but the management did neither and instead it straight way terminated the service of the concerned workman on the plea that he had made a clear confession of having committed forgery in the Bank's account and withdrew excess money causing loss of the Bank. It is clear, therefore, that the management has not taken recourse to the provisions of law which were available to them and terminated the service of the concerned workman without holding any enquiry on the alleged charge of misconduct by simply relying on the retracted confession of the concerned workman.

9. The management realising the difficulties which stood in their way made a prayer before this Tribunal for permitting them to adduce evidence afresh to establish the allegation for which the service of the concerned workman was terminated. The Tribunal, no doubt, allowed the management to adduce evidence to establish the allegation of misconduct against the concerned workman. Now it is submitted by the learned representative of the concerned workman that the management cannot be allowed to establish the act of misconduct of the concerned workman by adducing fresh evidence before the Tribunal. As the management would not have adduced fresh evidence to establish the charge before this Tribunal, they having not proceeded to establish the charge in a departmental enquiry against the concerned workman, the management is debarred under the law to adduce fresh evidence before this Tribunal and even if, the Tribunal had allowed them to adduce evidence to prove the allegation, the same cannot be considered for establishing the charge. The learned advocate representing the concerned workman has cited a case reported in 1986 Lab. I.C. 336 (Anand Cinema Vs. Mohan Tiwari and another) in support of his contention.

10. In the case reported in 1986 Lab. I.C. 336, the facts in short are :

There was one Anand Cinema in Jabalpur which was a partnership firm. The respondents before the Hon'ble High Court were employed as gate-keepers of the said Cinema. The respondents were indulging in criminal activities resulting in financial loss to the Cinema. The respondents were threatening and abusing the customers, causing illegal strikes, abusing and insulting one of the partners of the Cinema. According to the Cinema management the unlawful activities of the respondents resulted in misconduct and unsatisfactory work as defined under the provisions of Standing Orders but due to the violent activities of the respondents it was not possible for them to conduct the regular departmental enquiry in accordance with the provisions of the Standing Order and the services of the respondents were terminated under those compelling circumstances. The dispute was referred to the Labour Court which held that the termination of the services of the respondents were illegal resulting in retrenchment within the meaning of Sec. 2(oo) of the Act and since imperative provisions of Sec. 25F of the Act had not been complied with by the management, all the respondents were entitled to be reinstated with full back wages. The Cinema management went before Madhya Pradesh High Court. The management took a stand that order of termination of the respondents are orders of dismissal and therefore, no case was made out within the meaning of Sec. 2(oo) of the Act and hence the question of complying with the provisions of Sec. 25F of the Act does not arise at all. The respondents, on the other hand, took their own plea that their dismissal/termination order amounts to retrenchment within the meaning of Sec. 2(oo) read with Sec. 25F of the Act and as such the termination order was not only bad in law but also void ab initio and that the orders are nullities for non observance of the provisions of Sec. 25F of the Act which is of an imperative nature and therefore the orders of dismissal/termination are to be set aside and the respondents be reinstated on their respective jobs with full back wages. His Lordship discussed the matter at length and referred to several decisions of Hon'ble Supreme Court on the point. His Lordship referred decision which held that even if the domestic enquiry had not been made by the management yet for the first time before the Labour Court/Tribunal the employer has a right to lead evidence straightway for justifying the action of termination and that opportunity must be given to the management and

the Labour Court/Tribunal is bound to give the opportunity and is further bound to consider the evidence so adduced before it on merit and give decision thereon. His Lordship further dealt with the case reported in 1973 Lab. I.C. 851 (Workmen of Firestone Tyre and Rubber Co.'s case) where the scope of newly added Sec. 11A of the I.D. Act was considered as to whether its operation was prospective or retrospective and their Lordships held that it is prospective. Thereafter his Lordship dealt with Sec. 11A of the I.D. Act and held that the effect of the proviso to Sec. 11A has been considered by their Lordships of the Supreme Court in number of cases in which it has been held that Labour Court/Tribunal shall rely only on material on record and shall not take any fresh evidence in relation to the matter. His Lordship in para 15 of the judgment observed that the cases referred to above deal with the situation prior to 15-12-71 when the provisions of newly added Sec. 11-A were not in force. The true position which emerged those decisions are enumerated in para 27 of the judgment reported in Workmen of Firestone Tyre and Rubber Co.'s case which is based on State Bank of India Vr. R. K. Jain, AIR 1972 SC. 136 and Delhi Cloth and General Mills Co.'s case, 1972 Lab. I.C. 573. It has been observed by his Lordship that the above referred decision are of no avail to the Cinema Management for two reasons, namely, (i) that in those cases the effect of Sec. 2(oo) read with Sec. 25F of the Act was not at all considered and (ii) the proviso to Sec. 11-A completely bars the Labour Court to take any fresh evidence. In the present case as in the case of the respondents of Anand Cinema case the services of the concerned workman had been terminated admittedly without any domestic enquiry and as such the management is not entitled to lead any fresh evidence before this Tribunal. His Lordship summarised in para 21 of the judgment as follows :

"From the discussion aforesaid, the true position that emerges is that the management has no right to ask for any opportunity before the Labour Court/Tribunal to lead any fresh evidence if the service of the employee has been terminated without conducting any domestic enquiry in accordance with the provisions of Standing Orders and, therefore, the termination order results in retrenchment as defined under Sec. 2(oo) of the Act if Sec. 25F has not been complied with by the employer."

The above decision in 1986 Lab. I.C. 336 has decided the point which is exactly before us. Under the Desai Award the Bank management had to conduct domestic enquiry on the alleged charge of misconduct against the concerned workman and as they did not conduct the enquiry the management has now no right to ask for any opportunity before this Tribunal to lead a fresh evidence when the service of the concerned workman has been terminated without conducting the domestic enquiry. The termination order of the concerned workman, therefore, has effect of retrenchment as defined in Sec. 2(oo) of the Act as the provisions of Sec. 25F has not been complied with by the management.

11. In the above view of the matter the evidence adduced before this Tribunal for the first time although allowed by the Tribunal, cannot be used to establish the charge of misconduct against the concerned workman as the same is against the provision of law discussed above.

12. I would have liked to discuss the evidence on merit of the misconduct but in view of the law involved in the case and the decisions of Hon'ble Judges I do not think it proper to discuss the evidence which could not have been legally taken by the Tribunal. I, therefore, refrain from discussing the evidence adduced before me to establish the charge of misconduct against the concerned workman.

13. In the result I hold that the action of the management of State Bank of India in relation to their Patna Branch in terminating the service of the concerned workman Sri Ramtinay Sharma, Ex-Guard-cum-Messenger with effect from 26-11-75 is not justified. As the order terminating the service of the concerned workman was wholly illegal, unjustified and void ab initio the concerned workman is reinstated in the service of the Bank with full back wages and continuity of service from the date of termination of his service.

I. N. SINHA, Presiding Officer

[No. L-120241/80-D.JI(A)]

नई विस्ती, 19 मई, 1986

का० आ० 2155—प्रायोगिक विकाद प्रधिनियम, 1947 (1947 का 14) की बारा 17 के प्रत्युत्तर में, केंद्रीय सरकार, वेद भाक महाराष्ट्र के प्रबंधन से सम्बद्ध लियोगकों और उनके कर्मकारों के बीच, प्रत्युत्तर में विविष्ट प्रायोगिक विकाद में प्रायोगिक प्रधिकरण अद्यतनवाद के पंचाट की प्रक्रियत करती है, जो केंद्रीय सरकार को 6-5-86 को प्राप्त हुआ था।

New Delhi, the 19th May, 1986

S.O. 2155.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ahmedabad as shown in the Annexure in the industrial dispute between the employers in relation to the Bank of Maharashtra and their workmen, which was received by the Central Government on the 6th May, 1986.

BEFORE SHRI S. K. KADRI, B.A., LL.B., PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AT AHMEDABAD

Reference (ITC) No. 9 of 1985

ADJUDICATION

BETWEEN

Management of Bank of Maharashtra, Baroda

...First Party

AND

Their workmen

....Second party

In the matter of termination of services of Shri S. S. Joshi, etc.

APPEARANCES :

Shri J. M. Patel, Advocate for the First Party; and Shri M. S. Mansuri, President, Rayya General Kamdar Mandal for the Second Party.

AWARD

The Industrial dispute between the Management of Bank of Maharashtra, Baroda and Their workmen has been referred by the Government of India, Ministry of Labour, Order No. L-12012/190/83-D.II.A. dt. 23-1-85 for adjudication for the following dispute to the Industrial Tribunal, Ahmedabad u/s. 10(1)(d) of the Industrial Disputes Act 1947 and that has come to be allotted to this Tribunal :

"Whether the action of the Bank of Maharashtra in relation to their Raopura Branch, Baroda in dismissing Shri S. S. Joshi Special Assistant from service vide letter No. AXI/ST/11774/2, dated 21-8-81 is justified? If not, to what relief the workmen is entitled to?"

2. The workman concerned in this reference Shri S. S. Joshi has filed statement of claim at ex. 2 and his case as stated therein to be shortly stated is that he joined the services of the Bank of Maharashtra (in short 'the Bank') in 1966 as a clerk at its Baroda branch and he came to be promoted as Special Assistant and his service record is clean and blotless; that he was given a charge sheet dt. 14-9-80 and on receipt of the same he immediately approached the branch manager and explained everything in detail to him and the branch manager after being fully convinced about the truth whatever stated by him informed him that it is a case of minor irregularity wherein the Bank has not suffered any kind of loss and the manager told him that being a good trade union representative he should see that no employee should lose his job for this incident and that if he admits straight away the contentions of the charge sheet other employees will be saved and he will not be given any sort of punishment as this charge sheet is an useless effort and only issued in order to fulfil the requirement of the auditor. The manager also warned him that if he will contest two or three persons will be dismissed from service including himself (Shri Joshi) and thus he created confidence and succeeded in his attempt to get confessional statement meaning to say

that the manager induced Shri Joshi to make the confessional statement. It is therefore contended that it is not a confessional statement given willingly and hence not legal and valid. It is also contended that he was compelled to confess at the so called domestic inquiry which was in gross violation of the principles of natural justice and came to be dismissed with effect from 21-8-81. Being aggrieved by that order of dismissal he made representation to the Managing Director of the Bank as his past clean and blotless service record was not considered but the Managing Director did not apply his mind and did not consider the request made by Shri Joshi. He therefore raised the industrial dispute. There was no settlement in conciliation proceeding. The Government was not inclined to make a reference and it appears that the workman filed some petition before the Hon'ble High Court of Gujarat and this reference has come to be made in view of some order of the High Court. He contends that the order of dismissal is untenable being not legal and justifiable as the allegations advanced against Shri Joshi are vague and for minor irregularity; that no evidence was produced regarding the misappropriation of money and financial loss to the Bank as well as to its customers. The inquiry conducted by the Bank was not accordance with the principles of natural justice and Shri Joshi was not given reasonable opportunity to defend. The inquiry officer acted with bias and with mala fide intention. The copy of the proceeding of inquiry not given to Shri Joshi and he was not able to defend himself for that reason; that the so called confessional statement relied upon by the Bank is not valid and reliable as given under misunderstanding and under atmosphere of misguided confidence, duress of the manager; that the branch manager was responsible for the allegations made against Shri Joshi in the charge sheet but with a view to save himself he obtained confessional statement from Shri Joshi with mala fide intention as it was not the job responsibility of Shri Joshi but of the branch manager. No reasonable notice as required under the Standing Orders for imposition of punishment was given and so the entire proceedings stand vitiated. So also the order passed after such inquiry. The copy of the finding of the inquiry officer was not given to Shri Joshi and no opportunity given to him to say anything against the finding inspite of repeated requests. The disciplinary authority has not given any reason for acceptance of the finding of the inquiry officer and so it is a case of non-application of mind; that the punishment imposed is harsh, disproportionate, extreme and unjust. In that regard he has referred to the decision of the Supreme Court reported in 1982 II L.L.J. p. 472. He has also referred to decision of our High Court reported in 23 G.R. 443 and it is contended that in view of the observations of Their Lordships in these cases the extreme penalty of dismissal awarded to Shri Joshi is unjust, improper, illegal and arbitrary and so he prays that the said order of dismissal passed by the Bank against him be quashed and he should be reinstated with full back wages.

3. The rejoinder of the Bank it at ex. 3 wherein it denies various allegations and averments made in the statement of claim and states that they are false, mischievous and imaginary and after-thought made with ulterior motive. Shri Joshi was employed as a Special Assistant in Raopura Branch at Baroda and he was entrusted with the work of saving bank department which inter alia include the work of checking of posting made in the S.B. ledgers by clerks, passing the withdrawal slips, checks presented by the account holders, across the counter signatures either for cash payment or for transfer or through clearing and maintaining cash receipts, scroll and tally of the S.B. ledgers at periodical intervals. Shri Joshi failed to tally S. B. ledgers for very long time and the said work was entrusted to some other officers of the branch in the month of November 1979 and several fictitious entries were noticed in the S.B. accounts and several fraudulent transactions were also noticed. It gives the details about such entries which may not be here stated as presumably these stated in the charge sheet and in view of such large found on the part of Shri Joshi the charge sheet dt. 14-8-80 was issued to him and by letter dt. 18-8-80 Shri Joshi was informed about the date and place of the Inquiry and in response to this Shri Joshi by his letter dt. 20-9-80 submitted his explanation wherein he has unconditionally admitted all the charges levelled against him. It is also further submitted therein that he had some domestic difficulties and his past record of service was faithful. Even at the inquiry Shri Joshi admitted his misconduct and it is contended that the inquiry held was in compliance with the principles of natu-

ral justice and the workmen of his own free will had admitted the misconduct alleged against him and so the inquiry officer held that all the charges levelled against him were duly proved; that Shri Joshi is an educated person and the misconducts alleged against him were explained to him in details; that the nature of charges levelled against him were of serious nature and such conduct on the part of Shri Joshi in performance of his duties was likely to affect the interest of the account holders of the bank and such dealings by the bank official with the accounts of its customers is detrimental to the very existence of the banking industry. Shri Joshi was fully aware of the seriousness of the charges before giving confession and on admission of such serious charges there can be no other punishment than dismissal. It is on the faith reposed by the customers on the bank that it can survive and function and no other punishment could have been just. The disciplinary authority before awarding punishment had given hearing to Shri Joshi and after taking into consideration the facts and circumstances of case punishment was awarded. Shri Joshi after the punishment was awarded preferred an appeal and there also he reiterated his request for mercy. However in view of the gravity of the misconduct the appellate authority deemed it fit to confirm the punishment. It is contended that the inquiry against Shri Joshi was just and proper and in compliance with the principles of natural justice. However, if for any reason it be not legal and/or valid the Bank claims opportunity to adduce evidence to prove the misconduct to justify the punishment. It denies the allegation about branch manager inducing or causing Shri Joshi to give confession as alleged or about branch manager having made any commitments as alleged and it is contended that he had no authority to either make any commitments or to obtain any statement; that in view of the admission made by Shri Joshi there was no need to hold any further inquiry. However, to enable Shri Joshi to reconsider his position it was held. It also denies the various allegations about the allegation in the charge sheet being vague. It also denies about the inquiry Officer's bias or mala fide intention. As per the Bye-Partite settlement copy of the proceeding is to be given only when the same is demanded by the workman and no such demand was made by Shri Joshi. It also denies allegation about the admissions made by Shri Joshi being under misunderstanding or under misguided confidence or duress. It also denies about the allegations made in the charge sheet being not within area of operation of Shri Joshi or being functions of the branch manager. It is contended that proper notice was given before imposing of the punishment. Copy of the report of the inquiry officer is to be given only when demanded by the workmen and no such demand was made by Shri Joshi; that Shri Joshi is an educate person and had put in several years of service in the Bank and was working on a responsible post of Special Assistant and in the charge sheet the details of misconduct were given and after having understood the same Shri Joshi has given admission of the same in writing and it was confirmed before the inquiry officer also and thereafter he was heard by the disciplinary authority as also the appellate authority and no where Shri Joshi had contended that the confession or the admission made were not voluntary or of it of not having been given by free will or that it was given under some inducement of branch manager. No such case was even put forth at the conciliation proceedings. He is therefore contend that the punishment awarded is reasonable and proper. However, it is stated that if the Tribunal comes to the conclusion that any other punishment than dismissal be awarded than taken by the management as awarded to the workman but under no circumstances plea of reinstatement should be granted to the workman. The bank has totally lost faith in the workman and cannot afford to retain the workman in employment.

4. In this case the workman concerned Shri S. S. Joshi has deposed at ex. 6 and closed his side by purisht ex. 8. The bank has examined Shri Arun Malhar Shaligram at ex. 25 and Shri Vinayak Jagannath Bhagvat at ex. 52 and closed its side by purisht ex. 38. So this is all the oral evidence led in the case. If it to be stated here that the workman concerned was examined on 1-10-1985. The Bank was not present and it seems that Shri J.M. Patel, learned advocate appeared on that date but no authority of the bank with him available that day and he gave application Ex. 7 which was objected by Shri Mansuri representing the workman concerned and that application came to be

rejected. Thereafter on the next date Shri Patel appeared for the Bank as office bearer of employers' Association and gave application Ex. 10 praying for permission to cross examine the said Shri Joshi examined on 1-10-85. He also produced some documents with list Ex. 11. Shri Mansuri stated no objection to Ex. 10. He objected to Ex. 11. Both the applications were granted as per order below Ex. 10 and 11 and opportunity was given to the workman to lead further evidence if so required. Shri Patel cross examined the deponent. The workman Shri Joshi was also given opportunity to lead further evidence if any but Shri Mansuri gave purisht Ex. 17 stating that no further evidence is to be led and closed the evidence on his side. There is documentary evidence in the case to which we will refer as and when necessary, Shri Mansuri representing the workman has urged that the inquiry held against Shri Joshi in violation of the principles of natural justice and in violation of the provisions of the standing orders and the order passed dismissing Shri Joshi from service is therefore invalid and bad. He urges that the charges levelled against Shri Joshi as in the charge sheet Ex. 40 are vague. He urges that the confessional statement on which the order of dismissal is based is not voluntary or concession but got from Shri Joshi by inducement and was invalid. The confessional statement was not accepted as confession and inquiry was held and no evidence was held at the inquiry and once having not accepted the confession it was not open to the bank to treat the same confession and make that as the basis for dismissal order. He says that inquiry officer has not applied his mind nor the disciplinary authority, while imposing the punishment; that the misconduct alleged against Shri Joshi are only of technical nature. There was neither any loss to the bank nor to the Account holders and so the alleged misconducts were of minor nature and for such minor nature of irregularities such major punishment could not have been inflicted under the Standing Orders. He also urges that the copy of the findings recorded by the inquiry officer was not given to the workman nor copy of the proceeding and the disciplinary authority also had not given sufficient opportunity to Shri Joshi for hearing regarding the proposed punishment. He urges that the proposed punishment was not communicated to the workman in advance. No second show cause notice for the proposed punishment came to be given and so he urges that the order passed is invalid and should not be sustained.

5. Shri Patel, representing the bank urges that the charges levelled against Shri Joshi are of very serious nature affecting the reputation and business of the bank; that the inquiry held was but legal and valid. He further inquiry was necessary in the matter as Shri Joshi had very clearly admitted in writing his being guilty of the misconduct alleged against him in the charge sheet that was given to him, as any further inquiry would be only a hollow formality. He also urges that the charge sheet was very elaborate giving all the required details. He urges that the stand taken by Shri Joshi about the admission made by him which is stated as confession being under inducement or coercion, duress or mis-representation is but an after-thought as is apparent from evidence on record. Shri Joshi at no time earlier had taken any such stand or contention not even before the inquiry officer, not before the disciplinary authority or the appellate authority and not even in conciliation proceedings and it is for the first time he comes down with this contention. He urges that whatever copies that were needed could have been obtainable by Shri Joshi on his applying for the same as per Standing Orders. There is no provision in the Standing Orders for supplying of such copies or issue of such show cause notice for the proposed punishment etc. It is also incorrect to state that Shri Joshi was not given time to make his representation for the proposed punishment as he himself did not want any time for that reason though the Bank had shown its inclination to give him time if he needed it. On both sides there are some decisions relied upon to which we will refer at relevant time.

6. It is not in dispute that Shri Joshi during the relevant period was in the employment of the bank working than as Special Assistant at Raopura-Baroda branch of the Bank. The Bank having come to know of certain irregularities in the work entrusted to Shri Joshi got inquiries made into the matter and found that some transactions and functions of Shri Joshi were of fraudulent nature as also irregular. The Bank by order dated 13-12-79 suspended Shri Joshi pending disciplinary action proposed to be taken against him and the Bank decided to take disciplinary action against Shri Joshi and on 14-8-80 framed charge sheet against Shri Joshi and

served him with the same. If we peruse the said charge sheet it will be seen that there is no much substance in the contention of Shri Mansuri that the allegations made are vague and not clear as the charge sheet compromising of several pages gave in the details, the irregularities the fraudulent entries and transactions alleged against Shri Joshi and that too quite in details to say in substance of what is stated in the charge sheet is that Shri Joshi as Special Assistant at that branch of the Bank was entrusted with the work of S.B. department which inter alia included certain acts which he had to perform as enumerated therein like checking of postings made in S.B. ledgers by clerks, passing of withdrawal slips, checks presented by account holders on the counter for cash payment or transaction meaning the cash receipts, scrutiny, tallying of S.B. ledgers at periodical intervals etc. It goes on to say that the S.B. ledgers were not tampered for long time. This work was entrusted to some other officers or the bank by the manager some time in month of November 1979; when this came to the knowledge of Shri Joshi he contacted the manager requesting him that he is prepared to do that work even if he has to work over time for which he would not claim over time charges. It appears that that was not agreed to and on checking of the S.B. ledgers some fictitious entries in S.B. accounts or some of the depositors of the Bank were found. These entries were not supported by genuine credit vouchers but credit entries were made in the hand writings of Shri Joshi for which there was no corresponding credit vouchers. It was also found that in some cases credit vouchers were subsequently prepared and inserted. There were some allegations made in the balance of the accounts and in some cases posting was made by Shri Joshi when he was either on leave or on public holidays and therefore Shri Joshi came to be suspended and a departmental inquiry proposed to be held against him. The charge sheet gives details of these fictitious fraudulent transactions which need not be repeated here as can be noticed on the charge sheet itself. After giving all these details the charge sheet stated that Shri Joshi is charged for making fictitious credit entries as communicated here above and thus played fraud with the bank and amounted to act prejudicial to the interest of the bank and a gross misconduct. It also mentions the clauses of the Standing Orders under which it was treated as misconduct. There was also charge that fraud with the bank committed wilful damage or attempting to cause damage to the property of the bank and in making fictitious credit entries in the S.B. accounts of the depositors of the bank he has abated or instigated defrauding the Bank and causing serious loss to the bank and in making fictitious credit to S.B. accounts of the depositors he has committed breach of rules of business of the bank in running of the department which is also a misconduct under the Standing Orders. Shri Joshi was given that charge sheet and his reply to the charge sheet is at Ex. 44 dated 20-9-80.

7. Before we refer to the same the Bank had given notice to Shri Joshi dated 18-8-80 that the Bank has decided to hold departmental inquiry under the provisions of the Bi-Partite settlement of 1-7-66 and Shri V. J. Bhagvat, Manager, Mandavi-Baroda Branch was appointed as the inquiry officer and Shri A. M. Shaligram, Divisional Manager Staff and IR CO Pune as disciplinary authority and Shri V. R. Gandhi Assistant General Manager, West Zone, Bombay as Appellate Authority. It also stated that the appeal against the order passed by the disciplinary authority can be preferred within 45 days from the date of the order communicated in writing to Shri Joshi. Shri Joshi was informed by the Inquiry Officer Shri Bhagvat by letter dated 20-9-80 that the inquiry will be held on 27-9-80 at the bank Raopura branch, Baroda at 3.00 p.m. vide Ex. 11/18. It appears that on 20-9-80 Shri Joshi wrote this letter Ex. 44 to Shri Bhagvat, the inquiry officer. It has reference to some letters of the officers of the bank and with reference to the charge sheet dated 14-8-80 he stated that the contents about the various transactions during the period referred to therein are fully correct and acceptable to him. He has stated that "I admit all the charges against me mentioned in the letter dated 14-8-80". Further on he says therein that while I fully own my mistakes and omissions as mentioned in the various transactions in the captioned letter dated 14-8-80 I would like to put forth the following aspects for your kind consideration :

- (1) The domestic difficulties created undue tension in my mind compelled me to commit the lapses knowingly and unknowingly ;
- (2) I have been employed with this branch before its inception meaning to say from its inception. The

record would reveal that I have taken pain for the growth of the very institution in Baroda ;

- (3) I have taken all possible strain at times beyond my capacity for the business acceleration of our branch ;
- (4) I have done all my duties and undertaken my responsibilities with utmost diligence and care, but for the above bad patch in my life. Then he urges at the end I trust that you will be kind enough to consider my lapses on the back ground of my above aspects. I beg your pardon and request you to reinstate me in our bank's service condoning my omissions and lapse with merciful view. So reading Ex. 44 as a whole it is very clear that Shri Joshi had admitted all the charges levelled against him as mentioned in the charge sheet dated 14-8-80 and had not challenged even indirectly that he was not responsible for the alleged misconduct on his part. Having admitted all the allegations his doings and lapses amounting to misconducts as alleged he has sought for sympathy or mercy on the ground that it was done by him in some cases knowingly and in some cases unknowingly because of his domestic difficulties having caused some tension in his mind during that period as also on ground of his past record and service he craved for leniency. Shri Mansuri has not urged that Ex. 44 cannot mean confession or admission of guilt in toto for the misconduct alleged in the charge sheet. But he urges that this admission or confession made by Shri Joshi was not voluntary, but got from him by inducement. In the statement of claim it is stated that Shri Joshi in recd. of the charge sheet dated 14-8-80 immediately approached the branch manager and explained everything in details to him. We do not know that he explained and we do not know how the branch manager was convinced to tell him that it is a case of minor irregularity and the bank has not suffered any kind of loss and being a good trade union representative he should see that no employee should loose his job for this incident and that if he admits he will not be given any sort of punishment etc. The manager also warned him that if he contested some others will also be dismissed from service along with him and so he was successful in inducing him to make such confessional statement. The story propounded by Shri Joshi is to be considered in context with certain facts and circumstances. In the statement of claim it is also alleged that the said confessional statement was give under misunderstanding and the atmosphere of misguided confidence and duress which was created by the concerned manager i.e. the branch manager. Shri Mansuri has not urged about there being any duress or coercion in getting this confession or admission made by Shri Joshi under his typed letter addressed to the inquiry officer under his own signature. We now refer to the evidence of Shri Joshi at Ex. 6. He says that he received the charge sheet dated 14-9-80 (but there appears to be a state as it is dated 14-8-80) and he met branch manager of the bank. He does not remember on what date and orally told him that there has been mistake on his part. There has been no loss to any client of the bank and the branch manager told him that he will get nominal inquiry made and he will be punished by way of withholding of 2/3 increments and continued in job. Shri Joshi was holding post of Special Assistant in the branch of the bank a responsible post. He was in the employment of the bank since its inception of that branch. He was also literate person having worked for so many years in the bank and would normally know whether the branch manager could have such powers with regard to the disciplinary action or whether the branch manager could deliver him the goods even if he were to say so. It is also difficult to believe that Shri Joshi would take the long list of allegations of fraudulent entries fictitious entries, wrong postings, etc. creation of false vouchers, tempering with record as alleged in the charge sheet to be minor irregularities and when the Bank had issued him such long charge sheet he would accept that it was a nominal inquiry at the instance of the branch manager by the bank authorities empowered to take disciplinary action and impose punishment as be guided by the advice

of the branch manager. The explanation given for his sending and submitting Ex. 40 is difficult to be gulped as it has neither the taste nor the flavour. The confessional statement that is subsequently produced is at Ex. 15 (13/1) and he has admitted the signature thereon. He also admits that on 11-9-80 the inquiry was held and he was present. He denies his having read over the charge sheet. He says that he was asked whether he admits the charges levelled against him in the charge sheet and he had admitted the same. He also admits to have signed thereon. Now in this connection we may refer to the evidence of Shri Bhagvat Ex. 32. He says that on 26-11-80 the inquiry was held. I think Shri Patel has put a wrong question to Shri Joshi that the inquiry was held on 11-11-80 as by his letter dated 11-11-80 the inquiry officer had fixed 26-9-80 as the date of inquiry and in fact the inquiry was held on 26-11-80. Shri Bhagvat says that at the inquiry Shri Joshi was present. The presenting officer Shri Buddhadev and S. S. Sathe and P. P. Ranade were also present and the presenting officer had read over the charge sheet to Shri Joshi and thereafter he asked him whether he admits the guilt or not and he voluntarily admitted the same and Shri Joshi has written in his own hand writing in the inquiry proceedings vide Ex. 11/20 page 36 of the original inquiry proceedings produced in the case that I voluntarily admit all guilt in respect of all charges read out in charge sheet dated 14-8-80 issued by Divisional Manager, Staff and IR Bank of Maharashtra Co Poona 5. I admit all charges not under any compulsion of threat, duress and undue etc. He had at Ex. 26 in his cross examination has admitted the said writings to be his writing by ball pen and bears his signature also. So it is not that Ex. 15 was the only confessional statement or admission made for the alleged charges in the charge sheet but even before the inquiry officer after period of 2 months and more he had admitted the guilt so even if Ex. 15 of 44 was under some inducement made there was no reason for Shri Joshi to pass such writing before the inquiry officer admitting the charges levelled in the charge sheet. His writings before the inquiry officer clearly supports the say of Shri Bhagvat that charge sheet was read over to him and falsifies Shri Joshi's say that it was not. Further the said Shri Joshi had appeared before Disciplinary Authority and had also preferred appeal against decision of Disciplinary Authority but nowhere he alleged that the admissions made were under some such inducement. The bank had produced documents which also include his appeal memo and Shri Joshi was given chance to further depose and lead evidence for documents produced after he was examined but he did not step in the box to deny his memo of appeal or say anything about it.

8. Even if we peruse the depositions of Shri Joshi Ex. 6 it will be seen that as he was given charge sheet, he of his own met the branch manager Shri Bhende orally telling him about his having committed fault and there was because of that no loss to the bank or its clients. This apparently was without any inducement. Even if the branch manager had given him any consolation about punishment, it was not within his domain and power and Shri Joshi had no reason to rely on such talk knowing what the powers of the branch manager were in such matters. He had written letter Ex. 44=15 after charge sheet was received and made that statement in his own hand writing admitting the misconducts alleged in the charge sheet after lapse of considerable time in the inquiry proceedings commenced and had not retracted from his letter Ex. 15=44 but confirmed by above said writing at the inquiry clearly indicates that it was a voluntary statement mad^o of his own and there are no such circumstances in the evidence to indicate the same to have been made on any inducement.

9. It is not necessary to go into the question whether the admission made admits the charges levelled so that it can be taken as admission of misconducts alleged, as on reading Ex. 15=44 and also writing before inquiry officer it will be found that it is unequivocal admission of all charges levelled without any reservations. It appears to be unconditional admission of alleged misconducts.

10. Merely because the inquiry officer, had not dropped the inquiry on receipt of Ex. 15 and proceeded with the inquiry as was fixed, it cannot be said that the inquiry officer had not treated Ex. 15=44 as admission of misconducts or was not to rely on the same as admission. It was but necessary that when the bank had appointed inquiry officer and the inquiry was proposed to be held, it was but necessary that the employee charged should be asked in person about whether he admits the guilt or not. This would be necessary for the inquiry officer to ascertain whether the delinquent admits the misconduct alleged or wants to deny the charges and calls for inquiry. This would also afford chance to the employee if on second thought explain under what circumstances he admitted earlier the misconducts or if he wants to retract and meet with the allegations not admitting the charges. Further it would be also necessary for the inquiry officer who may have received any such admission to ascertain whether it is by the delinquent of his free will or not. So merely because the inquiry was held by the inquiry officer even after Ex. 15 would not mean that it was not accepted as admission. At the inquiry the inquiry officer had got the charge sheet read over to Shri Joshi, he also explained to him and he was asked whether he admits the guilt or deny the same and Shri Joshi admitted the same and also in his own hand writings under his own signature wrote so as stated above. there was no further inquiry required into the matter and under such circumstances it was not necessary even to ask him about Ex. 15=44 as it was open to Shri Joshi to deny the charges or allegations before the inquiry officer and say about Ex. 15 if he was to retract or to show under what circumstances he wrote Ex. 15=44 but as he admitted the alleged misconducts in toto before the inquiry officer, any further inquiry will be a hollow formality or futile exercise. Here reference be made to the following observations of Their Lordships of Hon'ble Supreme Court in Central Bank of India v/s. Karunamoy Banerjee reported in 1967-II L.L.J., 739 (744); "When once the workman himself has, in answer to the charge levelled against him, admitted his guilt, in our opinion, there will be nothing more for the management to inquire into" Further on p. 745 it is observed : "... But if the workman admits his guilt, to insist upon the management to let in evidence about the allegations, will in our opinion, only be an empty formality."

11. Shri Patel for the bank has referred to First, Second and Third Bipartite Settlement governing the parties and binding settlements, which is published as a book, wherein under Chapter XIX captioned Disciplinary Action and Procedure therefor at page 71 at para 19.12 (e)(iii) it is provided that the inquiry need not be held only to the aforesaid show cause notice. It is also theretunder provided that however if the employee concerned requests a hearing regarding the nature of punishment such a hearing shall be given

12. So, when Shri Joshi in answer to the charges levelled against him had admitted categorically the allegations made against him in charge sheet as in Ex. 15=44 and in the Inquiry before the inquiry office had also admitted the same, as indicated hereabove, there was no reason for the inquiry officer to further proceed with the inquiry and so the inquiry could not be held to be bad or invalid for either being violative of principles of natural justice or for any other reason, as the admission of misconduct alleged not proved to be not voluntary or invalid or bad for grounds alleged by Shri Joshi in statement of claim. I may here also state that if Shri Joshi alleged that the admission made by him as in Ex. 15=44 or as before inquiry officer was under some inducement, misrepresentation, duress or intimidation etc. it will be his burden to establish the same. The bare fact that he alleged inducement by branch manager or Shri Bhende and bank had not examined cannot establish that inducement as urged by Shri Mansuri. There are no facts and circumstances even appearing in evidence which would lead one to infer any such inducement alleged by Shri Joshi. He says at Ex. 6 that Shri Bhende and Shri Bhagvat the inquiry office gave him a chit presumably a writing which he had to write accordingly on the inquiry proceedings. If that was so he could have produced that chit or writing but then he says that the said chit was taken away from him. His evidence in that regard is also quite vague to be relied upon. He does not say who gave him that chit, who had written and who took away from him and why he gave it or if he gave it why he did not get a zerox copy of such important material. Shri Bhagvat Ex. 32 has denied having given any chit to Shri Joshi and there is no cross examination on the point.

13. Shri Bhagvat Ex. 32 made his report and sent the same to Divisional Manager as are at Ex. 11/38 to 43. His findings are at Ex. 11/48 wherein the substance he has stated that Shri Joshi has voluntarily admitted his guilt in respect of all the charges read over to him. He also stated that Shri Joshi had knowingly made fictitious entries as mentioned in the charge sheet and his intention in doing so was fraudulent and it amounted to playing fraud with bank and it was prejudicial to the interest of the bank and amounting to gross misconduct and caused wilful damage and attempted to cause damage to the bank's property. Such is also his conduct for making fictitious entries and credit entries in S.B. accounts of depositors mentioned in charge sheet. He stated that all these misconducts on the part of the said Shri Joshi amount to gross misconducts.

14. Shri Joshi Ex. 6 denies his being given copy of the findings of inquiry officer. Shri Bhagvat Ex. 32 says that copy of the findings were given to him. I will prefer to believe Shri Bhagvat to Shri Joshi. In any case, there is no provision shown to me in that Bipartite settlement requiring the copy of the findings to be given and even if not given, in this case, it will not prejudice the employee who had voluntarily admitted the misconduct alleged and on that basis the inquiry officer had to record his findings and so there will be no violation of principle of natural justice as the findings were to be quite obvious on one admitting the misconduct alleged. The inquiry officer was not the Disciplinary Authority who had to determine the quantum of punishment. But then Shri Mansuri urges that no show cause notice for proposed punishment was given to Shri Joshi and even copy of proceedings also not given to Shri Joshi. He however is not able to show me any such provision is that settlement which requires the bank to furnish copies of its own. It is not the say of Shri Joshi that he had applied for the same and denied to him.

15. The Bipartite settlement as above referred prescribed procedure for disciplinary action and there is no such provision pointed out which requires issue of show cause notice for proposed punishment or for supply of copies of proceedings para 19.10 which prescribes procedure provides for furnishing copy of the record if so requested by the employee in writing. It is not the case of Shri Joshi that he had so applied and was refused. Para 19.12(a) last para provides that the employee shall be given a hearing as regards the nature of the proposed punishment in case any charge is established against him. So what is contemplated is that he should be given opportunity of hearing for the proposed punishment and that in substance has been complied with. In this connection the evidence of the Disciplinary Authority Shri Shaligram Ex. 25 be looked into. He says that on receipt of record from the inquiry officer he gave to Shri Joshi Ex. 11/49 Shri Joshi has admitted his having received that notice. It is here to be mentioned that Shri Patel for the bank has read the number of list of documents which was 11 as 4 and so there is that mistake as for Ex. 11 in cross examination of Shri Joshi instead of Ex. 11 it is referred as Ex. 4 but actually it is with reference to list Ex. 11 and this Ex. 11/49 (4/49) is exhibited as Ex. 41. It is a notice to Shri Joshi given by the Disciplinary Authority advising Shri Joshi to be present for the hearing fixed at a place time and date mentioned therein which was to be at Bombay on 17-8-81 at 12-30 p.m. It is also not in dispute that Shri Joshi had been present at that hearing fixed and in presence of Shri Joshi, Shri Shaligram read out charge sheet, explained charges and findings of inquiry officer and Shri Shaligram proposed punishment of dismissal and give him adjournment presumably for Shri Joshi to have his say against proposed punishment but after 15 minutes Shri Joshi came and told Shri Shaligram orally that he had nothing further to state other than admission or confession of guilt he had submitted to the inquiry officer and so Shri Shaligram passed order as is Ex. 11/51 to 53=42. In Ex. 12 the Disciplinary Authority has noted the grounds urged before him by Shri Joshi and urged that proposed punishment of dismissal be not passed and he be spared of his means of livelihood and the proceedings were adjourned for 15 minutes in order to consider the case in perspective and then after consideration of pleas of Shri Joshi for not inflicting the proposed punishment, Shri Shaligram for reason stated in the order decided to confirm the punishments for each count. It appears clear that at the hearing given to Shri Joshi by the Disciplinary Authority Shri Joshi was told to have time if he so desired for saying against proposed punishment but he after some deliberation on his part of his own choice not to have time

and did not want to say anything further than what he had earlier stated presumably in Ex. 15 and what he orally told the Disciplinary Authority and stated that he does not want to submit anything further in writing. From the evidence of Shri Shaligram it appears that he had given opportunity to Shri Joshi to have time to put in his say against proposed punishment after formalities of reading out charge sheet, his admission and findings of inquiry officer and intimation of proposed punishment but Shri Joshi after 15 minutes informed Shri Shaligram that he does not want time and has nothing to add to what he earlier stated for taking lenient view and not to inflict extreme penalty. If Shri Joshi wanted time, he could have well applied or requested Shri Shaligram or atleast made a note of objection on Ex. 42 which he signed and returned on receiving its copy. Shri Joshi does not appear to be true when he says that after intimation of proposed punishment he was given 15 minutes time to reply to the same, as otherwise if he wanted time for that end his conduct would have been different.

16. Thus the bank as per the provisions in the Bipartite settlements had given a hearing as regards the nature of proposed punishment after the findings of the inquiry officer as charges established against him on his own admission. At this stage of proceedings, it was open to Shri Joshi to challenge even his admission being invalid and also if he wanted time for saying against the proposed punishment he could have applied for time. But it appears that he did neither. On the contrary when Shri Shaligram had adjourned the proceedings for Shri Joshi to consider the matter about time if he wanted he after 15 minutes of thinking decided not to have proceedings adjourned and intimated Shri Shaligram so. In view of the above, it cannot be said that he had not been given proper opportunity to that regard and it was violation of principle of justice. It is also to be noted that he was given notice of hearing well in advance and had also appeared in the proceedings of hearing of proposed punishment.

17. Shri Mansuri for the workman has referred to the decision of the Industrial Tribunal Visakhapatnam in Nelli-mara Jute Mills Co. Ltd. and others v/s. Their workmen reported in 1953 I.L.L.J. 665 wherein it is held that dismissal is the highest form of punishment that can be levied against the standing orders. In imposing that punishment if the Standing Orders (providing for an inquiry) is not observed, the punishment cannot be upheld. In the matter of punishment strict adherence to procedure is as important as the findings of the truth of the substantive offence. These observations relate to procedure adopted by the Management in the cases of dismissals of some workmen on different counts. In one case workers dismissed on allegations of absence without leave for certain number of days in one calendar year and it was held that it would not amount to misconduct of habitual absence without leave etc. as per standing orders. In one case no written charge sheet alleging misconduct given nor written explanation called for of the workman and it was held to be violation of the provisions of standing orders.

18. In the case before us there is no such lacuna or breach of provision of procedure as prescribed in the Bipartite settlement referred hereabove. I have already indicated that there is no provision of issue of second show cause notice as urged by Shri Mansuri for the proposed punishment and the bank had in substance complied with the provision for hearing Shri Joshi for the proposed punishment.

19. Shri Patel has referred to decision of the Industrial Court, Bombay in Manager, Jam Shri Ranjit Singhji Spg. and Wve. Mills, Sholanur v/s. Hariba Dongri reported in 1957 I.C.R. 1278 wherein it was held by Labour Court that witnesses were not examined in presence of person charged but in appeal the workman was not believed to be true in his case about it and further the order of dismissal recorded was upheld on admission made by him which also was not very categorically admitting the guilt of theft as he had stated that he had not intentionally committed the crime but the statement was read as whole to hold that it amounted to admission of guilt. Here before us there is no such point with which we are concerned.

20. The other decision cited is of Karnataka High Court in Bharat Earth Movers Ltd. v/s. Arokiyam reported in (1980) 57 F.I.R where it is held that workman had admitted his absence without leave for which he was charged before the

inquiry committee and so no further proof of facts was required and so the report of the domestic inquiry cannot be said to be vitiated for no evidence.

21. Shri Patel has referred to the decision of our Supreme Court in Associated Cement Companies Ltd. v/s. T.C. Shrivastava reported in AIR 1984 SC 1227 wherein it is held that "Neither under the ordinary law of the land nor under Industrial Law a second opportunity to show cause against the proposed punishment is necessary." This, of course, does not mean that a standing order may not provide for it but unless the standing order provides for it either expressly or by necessary implication, no inquiry which is otherwise fair and valid will be vitiated by non-affording of such second opportunity. I have already referred to the provisions in the Bipartite settlements regarding the prescribed procedure for disciplinary action and there is no such express provision for giving any show cause notice for proposed punishment and the same cannot be contemplated by necessary implication as it only provides that the employee against whom charge is established shall be given a hearing as regards the nature of proposed punishment. So it only contemplates that such employee should be given a hearing as regards the proposed punishment and if any submissions made with regard to the same have to be considered, such a procedure was followed by the disciplinary authority and so the proceedings cannot be held to be vitiated as urged on the ground that second show cause notice was not given for proposed punishment. In view of the above, the inquiry against Shri Joshi cannot be held to be invalid or vitiated as urged and so no question of giving opportunity to the bank to prove the misconducts before this Tribunal, to substantiate its order of dismissal passed against Shri Joshi arises for which the bank has given ex. 46 and opposed by Shri Mansuri relying on the decision of our Supreme Court in Shri Shambu Nath Goyal v/s. Bank of Baroda reported in 1983-II L.L.J. 415. So far as case before us is concerned, this decision will have no application as the bank in its written statement ex. 3 para 13 had claimed for such opportunity to adduce evidence in support of the misconduct and to justify punishment.

22. It is then contended that the Disciplinary Authority has not applied his mind in accepting the admission and awarding punishment as in this case there was no actual loss to the bank or its account holders. I have already discussed that before the disciplinary authority there was no such plea about admission being not voluntary and this contention raised is but an after-thought. If we read ex. 42 it appears clear that the Disciplinary Authority did take into consideration the points urged and earlier stated by Shri Joshi for plea of mercy and he has given reasons for inflicting the proposed punishment, inspite of the fact that Shri Joshi for plea of mercy and he has given reasons for mercy and considered the gravity of misconduct to be of such nature being multiple, as would affect the very nature of the business of the bank as would lead to loss of confidence in the bank by its customer, if the banking business be managed in such manner by its such employee and also have adverse effect on other employees of the bank in their duties, the Disciplinary Authority went in for punishment of dismissal.

23. I have considered the observations cited from some decisions in statement of claim ex. 2 observing that it is the Labour Court or Tribunal should of its own determine the question of punishment as the approach of the disciplinary authority be on his inbuilt and inherent pro-employer anti-employee basis and the Tribunal ought to also consider that in our country it is difficult to secure job to keep body and soul together. There is no provision in our country for benefit like unemployment allowance and punishments should not be on whim of caprice.

24. It is also stated that purpose of punishment is to correct the fault of the employee concerned by making him more alert in future and to hold out a warning to the other employees to be careful in the discharge of their duties so that they do not expose themselves to similar punishments and the approach should be the approach parents make towards an erring or misguided child.

25. It is also stated that penalty should be commensurate with the magnitude of fault and extreme penalty should be imposed when it would absolutely unsafe to retain him in service. If lesser penalty can be imposed without seriously jeopardising the interest of the employer maximum penalty should not be imposed.

26. In reply to the contention urged that by the misconducts alleged and/or proved there was no actual loss or damage caused to the employer or account holders. Shri Patel has cited the decision of our Supreme Court in K. L. Tripathi v/s. State Bank of India reported in (1983) 63 FJR p. 312 wherein it is held that where the employee was not charged with defrauding the employer but was charged mainly for the conduct which suggested that he acted improperly and in violation of the principles on which sound banking business should be conducted, whether actual misappropriation has been caused or actual loss or damage had been caused to the employer or not would be immaterial.

27. I may here refer to para 19.12(c) at page 70 of the Bipartite settlements which provides for taking into consideration certain points in awarding punishment and where sufficiently extenuating circumstances exist misconduct may be condoned and if misconduct is of gross type he may merely be discharged with or without notice.

28. Now if we refer to the charges levelled for irregularities committed amounting to misconducts, they are many and not one or two and of very serious or grave nature and quite detrimental to the reputation of the bank and even likely to cause damage to the banks property or to the account holders and would cause distrust of the public in the functioning of the bank and very probably its banking industry would suffer. The banking business is on the confidence of public and trust the account holder repose on the bank and if their accounts are so fiddled with, no account holder would have its account in such bank. It is not necessary to enumerate several acts of misconducts and irregularities alleged which are quite of gross nature and no banking industry can be expected to condone such acts and irresponsible behaviour of its such employee either to continue him in service, however, liberal view one may take. The extenuating circumstances in the case are that Shri Joshi is in service of the bank since 1966 having joined as clerk and in 1978 came to be promoted as Sp. Asst. and till 1979 his career appears blemishless and further that he made clean breast of his misconducts by ex. 15 and had categorically admitted and fully owned his mistakes and omissions as mentioned in the various transactions in the charge sheet and even before the inquiry officer at the departmental inquiry he made again voluntary admission. In ex. 15 he had stated about he being then under some mental tension due to some domestic problems or difficulties and till then having served the bank faithfully and diligently before the bad patch. The other aspect is that he is only S.S.C. passed and had joined the bank as clerk and by dint of hard work it be presumed, earned promotion on a responsible high post of Sp. Asst. He is aged 40 years approx and has come to be dismissed by order dt. 21-8-81 and till now he has not been able to secure any employment and has remained so long unemployed, we do not know about his family condition. So these aspects deserve consideration at this stage while considering the imposition of punishment.

29. In the case referred to in statement of claim 1982-L.L.J. 472 in Rama Kant Misra v/s. The State of U.P. converted the punishment of dismissal into one of withholding of two increments, as the misconduct alleged and held proved the workman having only used indiscreet, improper and disclosing a threatening posture and that was his only lapse in his 24 years of service and such conduct was found in the heat of passion as his wages had been deducted and so he was enraged.

30. In 1982 (1) 23 GLR 352 a workman was dismissed for misconduct (1) of being absent for two

days without prior leave (2) theft of scrap of value less than Rs. 50 and Labour Court had not exercised its powers u/s. 11A or irrelevant consideration and so with guide lines the matter remanded.

31. Here in this case as I stated here above, the acts and omissions on the part of Shri Joshi are numerous and of quite serious and grave nature. Shri Joshi had committed serious lapses in his routine duties and was grossly negligent but besides that he had acted improperly in violation of the practice and procedure and rules of banking business and had disregarded safeguards and also pilfered with documents and had made false and fraudulent an fictitious entries in the banks account holders and exposed the bank to risk and reputation. If one peruses the charge sheet alleging the misconduct it will be seen that a person in industry of banking ,if he commits such acts and omissions cannot be tolerated to be in service, however, liberal approach one may be inclined to take, as the banking thrives on the confidence of public in the banks honesty, integrity and accuracy in maintaining accounts and safeguarding well earned monies of its customers and dealers and if the Disciplinary Authority had thereafter even Appellate Authority has imposed the punishment of dismissal and confirmed it, it cannot be termed as unjustified and hence by answer to question referred will be in the affirmative and in view of that the subsidiary question will not survive.

32. However, u/s. 11A of the Act, this Tribunal has powers to consider for itself the question of punishment and has powers to substitute the same and in exercising these powers, I do not for a moment think that the misconducts for which the management that inflicted punishment is of minor nature or such that can be condoned. They are grave and serious nature and amounting to gross misconduct as under the Bipartite settlement, yet I may consider if any other punishment, considering the aspects enumerated in favour of Shri Joshi here above he can be given.

33. Para 19.6 p. 67 enumerates the punishments for gross misconduct. I have already stated that the misconducts alleged are of gross misconducts and not such that can be condoned and so the punishment stated in para 19.6(e) cannot be substituted for punishment given as in para 19.6(a). I have already indicated that with such gross misconduct held proved against Shri Joshi, he cannot be given any other punishment of the type by which the back he made to continue him in service.

34. Sub-para (e) of para 19.12 p. 70 is only explanatory to prescribed punishments and does not contemplate discharge with or without notice independently without condoning the misconduct. So in this case, it is not possible for me even to substitute any other punishment to one that has been awarded by the management. However, I may at the most recommend to the bank management to consider the past blemishless service of Shri Joshi from 1966 with it and his present state of unemployment since his dismissal and pay him ex-gratia some monetary compensation and gratuity or such other benefits as the bank in its written statement ex. 3 para 20 has shown inclination to pay and I will leave it to the grace

of the bank to consider the matter and amount it may give ex-gratia to Shri Joshi under the circumstances of the case. I pass no order as to cost.

35. As per S. 10(2A) the Tribunal was required to submit its award within a period of 3 months but it is regretted that there was some delay. In the first place it appears that there was delay because of the correspondence between the office of the Tribunal and the Ministry of Labour, New Delhi and actually the proceedings commenced before this Tribunal from 1-10-1985. Further time was taken by both the parties in leading evidence. The workman concerned as also his representative used to come from Baroda and the bank had to call witnesses from Baroda and Delhi and so time was taken on that ground also adjournments also sought by the parties and hence the delay.

[No. L-12012/190/83-D.II(A)]
S. K. KADRI, Presiding Officer.

नई दिल्ली, 21 मई, 1986

का. आ. 2156:—प्रौद्योगिक विवाद संघितयम्, 1947 (1947 का 14) की धारा 17 के भन्नमरण में, केन्द्रीय सरकार, प्रौद्योगिक बैंक के प्रसंघतंत्र से सम्बद्ध नियोजकों और उनके कमंबारों के बीच, प्रान्तु बैंध में निर्दिष्ट प्रौद्योगिक विवाद में केन्द्रीय सरकार प्रौद्योगिक संघितरण नं. 1 बम्बई, के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार की 6-5-86 को प्राप्त हुआ था।

New Delhi, the 21st May, 1986

S.O. 2156.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the Syndicate Bank and their workmen, which was received by the Central Government on the 6th May, 1986.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

Reference No. CGIT-7 of 1986

PARTIES :

Employers in relation to M/s. Syndicate Bank

AND

Their workmen.

APPEARANCES :

For the management : Mr. B. R. Pai, Deputy Personnel Manager.

For the workmen : Mr. Lele.

INDUSTRY : Banking STATE : Maharashtra
Bombay, dated the 8th April, 1986

AWARD

This is a reference which set down for adjudication a very minor and trivial dispute which smacks of an unfair manipulation by the management of the Syndicate Bank. The reference is worded as follows :—

"Whether the action of the management of Syndicate Bank in relation to its Port

Branch, Bombay in depriving Shri Raja Ram Rao, Clerk of Cash Duties attracting special allowance in the main branch Cash Department and not holding an enquiry under para 517 of Shastri Award is justified? If not, to what relief the workmen is entitled to?"

2. The concerned employee who is said to be a member of the Syndicate Bank Staff Association, which filed a statement of claim in this behalf essentially contended that the particular action, the justification and fairness of which was sought to be adjudicated in the reference was motivated, malafide and amounted to an unfair labour practice, in that the Syndicate Bank management in order to favour the other union, namely, Syndicate Bank Employees Union, made the impugned orders. The facts in question are few and are admitted. The employee Raja Ram Rao, it appears was working in the Syndicate Bank, Fort Branch. The bank has a practice to allot Cashier duties according to the seniority pertaining to the branch by rotation to the employees. The impugned order was passed either on 21st or 22nd January, 1983. I say this as there appears to be some confusion as to the date on which this order was passed. It is an admitted position also that Raja Ram Rao on the 22nd or 21st of January, 1983 was second in the seniority list and one Vasant Shetty was senior to him. According to the practice and rules followed by the Syndicate Bank, before offering cash duties and allowance to Raja Ram Rao, it should have been offered to Vasant Shetty. Vasant Shetty happens to be a Syndicate Bank Employees Union's active workman, according to the Association. Either on 21st or 22nd, the cash duty was offered to Raja Ram Rao who declined on the ground that it was given to him on the 21st at the main branch and secondly that not in order to accommodate Vasant Shetty, the order is being given to him. That this was discriminatory, humiliating and deliberately favouring the members of the other union. It is also said that Vasant Shetty was on leave on 22nd January, 1983 but was to resume duty on 24th. It also appears and seems to be the position that Raja Ram Rao was also to commence duty as a cashier if he had accepted the appointment made on the 21st or 22nd January, 1983 from 24th January, 1983 only.

3. It is also common ground and admitted that one Smt. Jyoti Chandawarkar was a Cashier whose six months term expired on 13th December, 1982, also in the Fort Branch, but in the Savings Bank Department. But despite her term having come to an end and the practice and rule in the Syndicate Bank, she was allowed to continue and was asked to continue till 22nd January, 1983. Raja Ram Rao was to take charge and be cashier in the S.B. Department of the Fort Branch from 24th January, in place of Smt. Chandawarkar. 23rd January, 1983 was a Sunday. The Association therefore contended that this was discriminatory and violative of the convention. The workman raised a grievance which was not looked into and was therefore contrary to Shastri Award para 517 which according to its workmen amounted to an unfair labour practice in that the management was choosing and preferring one union members to the other by manipulating the situations.

4. The written statement of the Bank does not dispute that there is such a practice or convention of entrusting cash handling work by rotation. It says the practice "adopted by the branch in the matter of entrustment of cash duties is on the basis of a seniority list prepared by the said branch." It also admitted that such "duties carrying the said cash allowance are being entrusted to the workmen of the branch by rotation for a period of six months per workman."

5. According to it, Raja Ram Rao "refused to carry out the instructions of his Superiors to work in the cash Department." The further practice claimed by the Bank is that where such a workman refused to carry out the instructions and cash duties, he is taken out of the turn and placed at the bottom of the seniority list and therefore, it says that since Raja Ram Rao refused the cash work, it was entrusted to the next person in the seniority list. With regard to the grievance procedure and non-following of the provisions of paragraph 517 of Shastri Award, according to it, there was no complaint and there was no grievance. However, the written statement does not say anything with regard to the contention of the Association that Vasant Shetty was senior to him and that he should have been entrusted with cash duties in the branch and that that was not done as that would have entailed Vasant Shetty being required to work at a place where he did not want and was given cash duty on 24th. It is not even stated that Vasant Shetty was not available and the cash handling work had to be allotted on 21st itself.

6. Parties did not lead any evidence and argued on the basis of the admitted facts and those which are disclosed from the copies of the correspondence produced by the Association and annexures to its statement of claim.

7. Three letters have been relied upon and referred to as setting out clearly all material and relevant facts. Those letters are dated 5th February, 1983, 8th March, 1983 and 17th March, 1983. It is the 17th March, 1983 letter which says that the order was issued to Raja Ram Rao on the 22nd January, 1983 to go to S. B. Cash Department and not 21st January, as is stated by the Bank in its written statement. The Bank, however, did not produce the order in question. It is this letter also, which says that "Shetty was on leave upto 22-1-1983 and was to join on the next day i.e. 24-1-1983, 23-1-1983 being Sunday." As I have already pointed out earlier, the Bank did not choose to say if Vasant Shetty was senior to Raja Ram Rao, why cash handling work in place of Chandawarkar was not entrusted to him, when he was reporting for work on 24th January, which is also the effective date for Raja Ram Rao also to work as Cashier.

8. The set of facts which is disclosed from these letters, particularly the letter of 17th March, 1983 is that there seems to be two cashier positions in the Main Branch, one in the Savings Bank Department and the other in the Cash Department. Cash Department cashier's duties for some reasons were considered more favourable and manipulated, according to Association, for Syndicate Bank Employees Union members, while Association's members were required to work as Cashiers in Savings Bank Department Smt.

Chandawarkar was handling cash in S. B. Department. Her term was to expire on 13th December, 1982. It is not said that on 13th December, 1982. Vasant Shetty or Raja Ram Rao were not available for entrusting that work. Ordinarily if the rules were followed, on 13th December, 1982 cash handling work in S. B. Department should have been offered to Vasant Shetty and if he had refused them only it would have been offered to Raja Ram Rao. It appears that another cash handling position had also become open on the 21st January, 1983, which was held by one D'souza. By continuing Smt. Chandawarkar as cashier even after 13th of December, 1982 upto 21st of January, 1983 or 22nd of January, 1983, manipulation of the cashier's post in S. B. Department so as to make it available at about the same time apparently was managed. An order was given to Raja Ram Rao to work at the S. B. Department as Cashier in place of Chandawarkar, who had already overstayed her tenure and on his refusal as it was not given to his senior, Shetty, he was deprived of the cash allowance and his name pushed to the bottom. Vasant Shetty apparently was promptly given the cash handling work in the Main Branch on 24th, which was not disputed and conceded by the management during the course of the arguments. It is this manipulation of the cash handling work and offer of it at a time suitable to Shetty by the management, which is challenged.

9. The dispute apparently, is trivial. During the course of the arguments, I asked the parties as to what is the difference and whether any extra cash benefit is available to cashier working at the Cash Department. It was said that there is no such benefit and the cash allowance is uniform. Though, therefore, there is no monetary benefit, according to the Association, it was contesting this case on account of the principle involved and deliberate manipulation and discrimination practised by the management.

10. It seems to me quite clear that the management was not justified in continuing Smt. Chandawarkar from 13th December, 1982 upto 22nd January, 1983. It was in accordance with its rules required to offer that post to Shetty on 13th of December, 1982. Its action in not doing so any waiting till 22nd January, 1983 when the post in the main branch occupied by D'souza also fell vacant goes to show the desire of the management to manipulate. It does not appear that Vasant Shetty was not available for being posted in place of Chandawarkar on 13th December, 1982 and being on leave on 22nd January, 1983. A lame contention was sought to be raised during the course of the arguments by saying that such changes are not made at the end of the year. But the year ended on the 31st December, 1982 and Smt. Chandawarkar's duties could have been terminated w.e.f. 1st of January or earliest thereafter and need not have coincided with the second vacancy falling on 22nd January, 1983. It is clear therefore, that the action of the management was not justified in making an order on the 22nd January, to Raja Ram Rao and treating his refusal in the circumstances as refused to accept cash duties and also not enquiring into the circumstances as contemplated in paragraph 517 of Shastri Award. Consequently, the employee is entitled to the benefit, to which he

would have been entitled had he been given the cash duties in accordance with the seniority and the rules laid down by the Syndicate Bank itself. The loss which he is claiming as resulting to him on this account is Rs. 608. I therefore direct Syndicate Bank to pay Rs. 608 together with interest at 18 per cent or the same which the Bank charges from its debtor customers to Raja Ram Rao from 22nd January, 1983 till payment.

11. Award accordingly. The bank should also pay a sum of Rs. 300 to the Association by way of costs.

R. D. TULPULE, Presiding Officer
[No. L-12011/14/85-D.II(A)]

का. आ. 2157—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के मनुसंहरण में, केन्द्रीय सरकार, देना बैंक के प्रबंधतात्र से सम्बन्धित नियोजकों और उसके कर्मकारों के बीच, मनुसंहरण में नियिष्ट प्रौद्योगिक विवाद में केन्द्रीय सरकार प्रौद्योगिक अधिकारण जबलपुर के पंचाट को प्रकाशित करता है, जो केन्द्रीय सरकार का 7-5-86 का प्राप्त हुआ था।

S.O. 2157.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the Dena Bank and their workmen, which was received by the Central Government on the 7th May, 1986.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(82)/1984

PARTIES:

Employers in relation to the management of Dena Bank Raipur and their workman Shri Dilip Kumar Yadav, Part-time Sub-Staff represented through the M.P. Bank Employees Association, Parvana Bhavan, Aminpara, Raipur (M.P.)

APPEARANCES:

For Union : Shri S. K. Adhiya.

For Bank : Shri V. L. Matiar.

INDUSTRY : Banking DISTRICT : Raipur (M.P.)

AWARD

Dated: April 29, 1986

This is a reference made by the Government of India vide Notification No. L-12012/55/84-D. II(A) dated 19th October, 1984 for adjudication of the following dispute:—

"Whether the action of the management of Dena Bank Raipur in relation to their Arang Branch in terminating the services of Shri Dilip Kumar Yadav, Part-time Sub-staff, with effect from 9-5-1983 is justified? If not, to what relief is the workman concerned entitled?"

2. Parties filed their pleadings and certain documents in support of their claim which need not be discussed as the parties on 15-4-1986 filed an application along with a compromise petition the terms of which are as under:—

- (i) That Shri Dilip Kumar Yadav will be taken as part-time employee is subordinate cadre of the Bank only as a special case. On his employment he will be subject to the terms and conditions of the service regulations as also that of recruitment prevailing in the Bank.
- (ii) He being a part-time employee the scale of wages shall be fixed in accordance with the scale as prevailing in the bank and such fixation relating to hours of duty shall be entirely at the discretion of the bank.

- (iii) The said employee shall be taken in service at the earliest opportunity i.e. within two months from the date of publication of the award.
- (iv) Wages shall become payable only from the date of appointment as a part time employee.
- (v) Such appointment has been agreed to only as special case irrespective of educational qualification, age, deviating from the usual norms as an exception. Such privilege if the union shall not be open in future.
- (vi) The appointment of the concerned part time employee will be prospective. The concerned employee shall have no claim either for back wages, seniority of past services nor such appointment would be deemed to be service as continuous one. To conclude, such appointment shall not be attended with attached benefit to the post.

The aforesaid terms have been reached without fraud, force or coercion to resolve the dispute finally without prejudice to the rights in other cases. The union shall not be entitled to claim such special appointments as precedents.

Both the parties therefore pray that an award may be drawn in terms of settlement.

3. The above settlement is duly signed by Shri S.K. Adhiya, State Executive, M.P.B.E.A. and Shri R.K. Mehta, Vice President of M.P.B.E.A. Raipur Unit on behalf of the workman and Shri V.L. Maniar Regional Manager, Dena Bank, Raipur. Parties have verified and accepted the settlement before this Tribunal.

4. I have gone through the terms of the settlement arrived at between the parties and I am of the opinion that they are just, fair, reasonable and in the interest of the workman concerned. I, therefore, record my award in terms of the aforesaid settlement. In the circumstances of the case parties will bear their own costs.

V. S. YADAV, Presiding Officer
[No. L-12012/55/84-D. II (A)]

का. आ. 2158—प्रीयोगिक विवाद प्रधिनियम, 1947 (1947 का 14) को आरा 17 के अनुसरण में केन्द्रीय सरकार, भारतीय स्टेट बैंक के प्रबंधित से नम्बर लियोगकों और उसके कर्मचारों के बीच, प्रदूषक में निर्दिष्ट प्रीयोगिक विवाद में केन्द्रीय सरकार प्रीयोगिक प्रधिकरण जबलपुर के पंचाट को प्रकाशित हरती है, जो केन्द्रीय सरकार को 7-3-86 को प्राप्त हुआ था।

S.O. 2158.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the State Bank of India and their workmen, which was received by the Central Government on the 7th May, 1986.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(66)/1985

PARTIES :

Employers in relation to the management of State Bank of India, Region No. 1, Regional Officer, Marhatal, Jabalpur (M.P.) and their workmen, Shri Umakant Dubey, Cashier-in-charge represented through the State Bank of India Employees Union 'Bhopal Circle, 13, State Bank Officers' Colony, Itamipur, Jabalpur (M.P.).

APPEARANCES :

For Union—Shri S. K. Rao, Advocate.

For Management—Shri G. C. Jain, Advocate.

INDUSTRY : Banking

DISTRICT : Jabalpur (M.P.)

AWARD

Dated: April 29, 1986

In exercise of the powers conferred under Sec. 10(1)(d) of the Industrial Disputes Act, 1947, the Central Government in the Ministry of Labour has referred the following dispute, for adjudication, vide Notification No. L-12012/242/84-D. II(A) Dated 5th August, 1985 :—

"Whether the action of the management of State Bank of India, Jabalpur (M.P.) in relation to their Bargi Branch in denying officiating chance to Sri Umakant Dubey, Cashier-in-charge on higher post in Junior Management Grade Scale-I is justified ? If not, to what relief the workman concerned is entitled and from what date ?"

2. Non-controversial facts of the case are that the workman Shri Umakant Dubey was appointed as a Cashier in 1957 at Jabalpur City Branch of the State Bank of India and posted at Bargi Branch. The said Bargi Sub-office has been upgraded as a Branch and a Cash Officer of the Junior Management Grade Scale I in the supervisory cadre is posted. The workman is the senior most employee of the Cash Department and also Secretary of the workers Union. By virtue of his seniority the workman was getting officiating chances. The workman concerned was given three consecutive chances to appear in the promotional test and also the fourth chance was also given to him in the year 1974 in which he did not appear. However, now by virtue of Settlement between the workmen through the Federation and the management dated 27-6-1985 Ex. M/1 the workman has been allowed the officiating chance in the higher post on the terms that he will withdraw the claim for his previous allowance.

3. The case of the workman is that after July 1982 the management has refused to give him officiating chance and instead very junior employees are being given the same. The reason is that on account of his union activities the management is annoyed with him. As such, the action of the management is not only unfair labour practice but it is against natural justice, Desai and Sastry Awards and against the Constitution also.

4. The case of the management is that Desai and Sastry Awards only lay down the entitlement to officiating allowance. Therefore there was an agreement dated 18-5-1982 between the State Bank of India and its workmen through the employees Federation. Therefore the letter dated 17-6-1985 of the management is within the purview of the said settlement. In any case the workman himself has arrived at a settlement and foregone all his previous claim. Thus this reference is not maintainable. In any case this Court has no jurisdiction to decide the constitutional aspect raised by the workmen.

5. The only point for consideration before me is whether the action of the management is justified. If not, to what relief the workman is entitled ?

6. In support of his case the workman has relied on documents Ex. W/1 to Ex. W/8. Ex. W/1 and Ex. W/2 are the letters, Ex. W/3 is the Circular of the management. Ex. W/4 is the circular dated 16-6-1983 which says that the officiating chance may be stopped after an employee has exhausted all the four chances instead of three. It is perhaps on account of this that the workman was offered the settlement which he has accepted. Ex. W/5, Ex. W/6, Ex. W/7 and Ex. W/8 are not very material for deciding the point in issue. They are the correspondence regarding the case of the workman.

7. The case of the workman was that there was no provision either in Sastry or Desai Award or any rule or law in regard to the restrictions placed by the management regarding four chances of promotional examination. As such no restriction could have been placed. In any case the restrictions, if any, are ultra-vires of the Constitution since it infringes its various provisions like equal pay etc. At the very outset I may mention that this is not the forum to raise constitutional matters. I have gone through the provisions of the Sastry and Desai Awards reproduced in

the rejoinder of the management. Those provisions lay down that when a workman officiates in a post carrying higher salary than his own for a period exceeding 15 days. They do not lay down as to his entitlement to the number of days to officiate. In this regard the Agreement dated 18-5-82 between the State Bank of India and its workmen through the Federation Clause (i) being relevant is reproduced below :—

"An employee, who exhausts all the 3 consecutive chances, will be debarred from officiating in the junior Management Grade. He will be eligible for the 4th chance as per policy but, in the interrognum, will not be eligible for getting officiating chance."

It was subsequently modified as under :—

"The officiating chances may be stopped after an employee has exhausted all the 4 chances instead of 3. An employee should not be deemed to have exhausted his chance if he is unable to appear at the promotion test due to bereavement in family or disability caused to self due to an accident/injury. The definition of family here will be the same as in case of Medical Benefit/Leave Fare Concession."

It is an admitted position that the workman has exhausted 3 chances and he did not appear in the 4th offered to him. But perhaps the case of the workman falls in the deeming provision of the modified Clause (i) that is why the management has offered him the settlement and he accepted the offer of settlement Ex. M[2 dated 17-6-1985 in the following words :—

संवर्जन केवल या अधिकतम पद (JE/Staff/1482 dt. 7/5/55 उपरोक्त पत्रानुसार भौपाल स्थानीय कार्यालय में आपका प्रमाण (आफिलियेटिंग अधिकार) पुनर्विद्धिकरण हुआ है और तदनुसार अधिक्षय आपको उच्च पद पर आफिलियेटिंग (Officiating Chances of Higher Capacity Post) करने की अनुमति प्रदान की गई है-जैसे कि आप यह विविध धर्म (Uhdertaking) प्रत्यक्ष करें कि सत्यस्मरणीय धर्म काल के सारे शब्दे आप छोड़ने को तैयार हैं।

कृपया इसे आवश्यक समझकर शीघ्र सिखित उत्तर प्रस्तुत करें ताकि निर्वाचन-मूसार आपका उत्तर अभिप्राप्त किया जा सके।

8. Sub-section (1) of Section 18 of the I.D. Act lays down that "A settlement arrived at by agreement, between the employer and workman otherwise than in the course of conciliation proceeding, shall be binding on the parties to the agreement. In the instant case there is not only the one settlement but two of them, one of them between the management and the Bank Employees Federation placing restrictions reproduced above and the second settlement was that the workman will be given a chance to officiate and he will forego his previous claim which is the subject matter of this reference. Both these settlements are binding on the workman. Therefore, I am of the opinion that since the management has given the required chance of officiating to Shri Umakant Dubey Cashier-in-charge on higher post in Junior Management Grade Scale I by virtue of settlement he is not entitled to any relief. Reference is answered accordingly. No order as to costs.

V. S. YADAV, Presiding Officer.
[No. I-12012/242/84-D. II(A)]
N. K. VERMA, Desk Officer.

नई दिल्ली, 21 मई, 1986

का. आ. 2159—आधिकारिक विवाद अधिनियम, 1947 (1947 का 14) की बारा 17 के मनुस्करण में केवल उरकार, भारत कोकिंग

कोल जि. की लोहापट्टी कोलियरों के प्रबंधन से सम्बद्ध नियोजकों और उनके केम्बिकारों के बीच मनुस्करण में विविष्ट आधिकारिक विवाद में केवल उरकार आधिकारिक अधिकारण, नं. 2 पत्रावाय के पकाट को प्रकाशित करता है, जो केवल उरकार की 6-5-1986 की प्राप्त हुआ था।

New Delhi, the 21st May, 1986

S.O. 2159.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Lohapatti Colliery Mohuda Area No. II of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on the 6th May, 1986.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 157 of 1985

In the matter of industrial disputes under Section 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Lohapatti Colliery in Mohuda Area No. II of M/s. Bharat Coking Coal Ltd. and their workmen.

APPEARANCES :

On behalf of the employers : Shri R. S. Murthy, Advocate.

On behalf of the workmen : Shri B. Lal and Shri D. K. Verma, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 30th April, 1986

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal vide their Order No. L-20012(129)/85-D.III(A), dated the 22nd November, 1985.

SCHEDULE

"Whether the action of the management of Lohapatti Colliery in Mohuda Area No. II of M/s. Bharat Coking Coal Limited, P.O. Mohuda, Distt. Dhanbad in dismissing from service Shri Biru Mahato, ex-Haulage Khalasi with effect from 1-10-1984 was justified ? If not, to what relief the workman is entitled ?"

The case of the concerned workman Shri Biru Mahato is that he was working as Haulage Khalasi in Lohapatti Colliery of M/s. B. C. C. Ltd. He was chargesheeted by the General Manager vide chargesheet dated 13-1-1982 for assaulting an officer of the colliery, habitual leaving the place of his duty and absenting in the third shift on 11-1-1982 without permission. The concerned workman submitted his reply to the chargesheet denying all allegations made

against him in the chargesheet. The management not being satisfied with the reply of the concerned workman ordered a domestic enquiry to be held against him in the charges levelled. The concerned workman was not found guilty by the Enquiry Officer Shri S. S. Mitra vide Enquiry Report dated 20-1-1984. The General Manager after considering the entire matter dismissed the concerned workman vide office order dated 29-9-84. The said office order is a detailed report and is nothing but a fresh enquiry report. The General Manager did not give any chance to the concerned workman while making fresh enquiry report and did not intimate the concerned workman that he was going to differ from the findings of the enquiry officer. The General Manager was not competent to ignore the finding of the E.O. and giving his independent office order. The General Manager had given no reason regarding the delay of 9 months in passing the order of dismissal against the concerned workman. The order of dismissal of the concerned workman is clear case of victimisation and unfair labour practice.

The alleged occurrence of assault on Shri J. N. S. Yadav, Asstt. Colliery Manager took place on a public road outside the place of work and it did not take place during the duty hours either of the concerned workman or Shri J. N. S. Yadav. No disciplinary action should have been taken against the concerned workman for such allegation which is alleged to have taken place on a public road, as the same has nothing to do with the duty of the concerned workman. A FIR was also lodged against the concerned workman for the said alleged assault on Shri J. N. S. Yadav and there is no mention that the alleged occurrence had any nexus with the conduct of the concerned workman during the duty hours. The alleged occurrence of assault on Shri J. N. S. Yadav was committed by some unknown villagers for the reasons based known to them, and the concerned workmen had nothing to do with the said assault. Shri J. N. S. Yadav did not name the concerned workman as assailant when he met Shri B. N. Tewary of CISF who was examined in the domestic enquiry. A story has been developed that Shri J. N. S. Yadav told the name of the concerned workman while he was being taken to hospital after getting first aid at the colliery office. The General Manager did not consider and discuss the reasons given by the enquiry officer to disbelieve the story presented by the management in the domestic enquiry and the General Manager gave undue importance in discussing the evidence of defence and disbelieving it. Not a single witness working in the colliery was examined to support the case of assault of Shri J. N. S. Yadav by the concerned workmen. Whole case against the concerned workman depends upon the evidence of Shri J. N. S. Yadav whose testimony was disbelieved by the enquiry officer and there is no reason to disagree with the findings of the enquiry officer. The order of dismissal passed by the General Manager is perverse, illegal unjustified. It is prayed that the concerned workman be reinstated with back wages.

The case of the management is that on receipt of a report of certain acts of misconduct stated to have been committed by the concerned workman Shri Biru Mahato, the management issued chargesheet dated 13-1-1982 containing the following charges :—

- (a) Assaulting along with a few accomplices armed with lathies and other lathal weapons on 12-1-1982 at about 5.30 P.M. Shri J. N. S. Yadav, Asstt. Colliery Manager, Lohapati colliery, brutally, while he was returning from duty from incline No. 4 of Lohapati colliery. As a result, he suffered multiple injuries including some lacerated wounds with bleeding injuries which could have proved fatal. Thereafter Sri Yadav was dragged and left in an unconscious condition behind a bush in a paddy field taking him as dead. During the course of assault, Sri Yadav was also abused.
- (b) Habitually leaving his place of duty without taking permission/sanction of his controlling officer.
- (c) Absence from duty in the third shift of 11-1-1982 without sanction.

The said chargesheet was accompanied with a detailed statement of the allegations in support of the charges. The concerned workman submitted his explanation to the chargesheet after some delay. The General Manager, Mohuda area after considering the explanation found it to be unsatisfactory and ordered a detailed enquiry to be made by Shri S. S. Mitra, Dy. Personnel Manager of BCCL Karmik Bhawan, Dhanbad. The enquiry officer held the enquiry in which the concerned workman fully participated along with his co-worker. The enquiry was held in accordance with the principles of natural justice and all possible and reasonable opportunities were given to the concerned workman to defend himself. On the basis of the enquiry the enquiry officer held the concerned workman not guilty of the charges framed against him. The said enquiry report was not based on the evidence before the enquiry officer and it suffered from misconception and was wholly perverse. The enquiry officer failed to consider the evidence properly. The enquiry officer was motivated in exonerating the concerned workman as it appears that the enquiry officer had resigned and left the service of the management sometime after completing the enquiry. The enquiry officer himself had some grievances against the management and that was the reason why in spite of evidence before him in the enquiry proceeding the exonerated the concerned workman of all the charges. The enquiry officer made a factual and incorrect statement in his enquiry report that the name of the concerned workman Biru Mahato was not mentioned in the FIR lodged before the Police. On receipt of the enquiry report and the enquiry proceeding, the General Manager Mohuda area who was the disciplinary authority considered the enquiry report and the materials which were produced before the enquiry officer. The disciplinary authority is not obliged to accept the report of the enquiry officer in a domestic enquiry even when the report is against the evidence produced in the enquiry. The disciplinary authority has to apply his independent mind to the evidence produced in the domestic enquiry and come to his own finding and in the said process the disciplinary authority may or may not agree with the finding of the enquiry officer. If a disciplinary authority disagreed with the finding of the enquiry officer he has to give reasons in support

of his finding and for not agreeing with the finding of the enquiry officer. The disciplinary authority gave reasons in support of his finding and for not agreeing with the finding of the enquiry officer. The disciplinary authority held with regard to the charges 1 and 3 that conclusion drawn by the enquiry officer was erroneous and contrary to the evidence produced during the enquiry and it was wholly opposed to the evidence before the Enquiry officer. He came to the conclusion that charge No. 1 and 3 are fully established against the concerned workman. He further held that the charge No. 3 although proved did not constitute misconduct within the meaning of the Standing Orders. He, however, considered the matter in detail in regard to charge No. 1 and considering the gravity of the misconduct, he ordered the dismissal of the concerned workman from service with effect from 1-10-1984 by the order dated 29-9-1984. He had given elaborate reasons in support of his conclusion and as to why he had disagreed with the report of the enquiry officer. It is submitted on behalf of the management that the time-lag between the submission of the enquiry report and the final order passed by the disciplinary authority is of no consequences. It is stated that there was a change in the incumbency of the General Manager during the relevant period. The chargesheet shows that it was signed by Shri S. K. Sinha the then General Manager. He soon after retired and thereafter Shri Nirmal Singh took charge as General Manager of Mohuda area and worked only for a few months and retired. Subsequently the present General Manager, Shri Y. P. Handa took charge as General Manager and he disposed off the case of the concerned workman. Therefore the delay in passing the final order was unavoidable and the delay will not vitiate the action taken by the management in dismissing the concerned workman. It is denied that the order of the General Manager, Mohuda area amounted to fresh enquiry report and that the General Manager was required to hear the concerned workman before passing the said order. There is no provision in the Standing orders that a concerned workman should be given further chance when the disciplinary authority disagree with the finding of the enquiry officer. The order of dismissal is based on evidence produced in the domestic enquiry and is perfectly legal and valid. On the above plea it is submitted that the concerned workman is not entitled to reinstatement or any other benefit.

It must be stated at the outset that Shri B. Lal, learned Advocate appearing on behalf of the concerned workman did not challenge the fairness or otherwise of the domestic enquiry and as such the matter was taken up for hearing on merit after holding that the domestic enquiry was fair and proper and according to the principles of natural justice.

Out of the three charges levelled against the concerned workman the disciplinary authority in his order dated 29-9-1984 agreed with the finding of the enquiry officer regarding charge No. 2 (habitually leaving from place of duty without taking permission/ sanction of your controlling officer), as there is no evidence in support of the said charge. Hence we have not to discuss on the said charge.

The disciplinary authority held that the conclusion drawn by the enquiry officer in respect of the other two charges were erroneous and were contrary to the evidence produced in the enquiry and as such he rejected his finding in respect of charge No. 1 and 3. Holding the concerned workman guilty of charge No. 3 (Absence from duty of 3rd shift of 11-1-82 without sanction), the disciplinary authority further held that this did not by itself constitute any misconduct within the meaning of the Standing Orders and as such no notice be taken on this charge. The concerned workman has not been punished for charge No. 3. Thus the only charge on which the concerned workman was punished and dismissed from service is charge No. 1 which deals with the assault of Shri J. N. S. Yadav an Officer of the Colliery. It is therefore to be seen whether the said charge No. 1 has been established against the concerned workman.

The management has produced all the papers relating to the domestic enquiry, the enquiry report and final order of the disciplinary authority besides the three documents which were produced on behalf of the concerned workman during the enquiry proceeding.

There is no controversy regarding the fact that the concerned workmen had fully participated in the enquiry proceeding and he was given full opportunity to defend himself. The management examined S|Shri J. N. S. Yadav, Shri B. P. Yadav P. M. area No. IX B. N. Tewary, CISF Constable, R. B. Jha, Constable, CISF, K. L. Singh, Ex. Manager, Lohapatti colliery, M. S. Haque, Sr. P.O., C. D. Goswami, Compounder, and Shri M. L. Mahato, Medical Superintendent before the enquiry officer and they were all cross-examined on behalf of the concerned workman. The concerned workman also gave his statement but the did not produce any defence witness.

It is admitted by the concerned workman as will appear from his W.S. filed in this reference that he does not dispute about the assault on Shri J. N. S. Yadav on the alleged date of occurrence. He does not also challenge about the time and place of the assault of Shri J. N. S. Yadav. He only disputes that Shri J. N. S. Yadav, was not assaulted by him and that Sri Yadav was assaulted by some unknown villagers. In this view of the matter it is not necessary to discuss about the injury report to show that Shri J. N. S. Yadav had received injuries on the alleged date of occurrence and was admitted in the hospital for the treatment of his injuries. The question therefore is whether the concerned workmen had assaulted Shri J. N. S. Yadav or he was assaulted by some unknown persons.

It will appear from the evidence of Shri J. N. S. Yadav before the Enquiry Officer that he was returning alone from incline No. 4 from his duty and in the way he was caught hold of by two persons and one person came out with lathi and started hurling on Shri Yadav. He did not identify those three persons. He, however, caught hold of the lathi and inspite of their effort they could not free the lathi from Shri Yadav and thereafter they called naming "BIRI KAKA" and thereafter the concerned workman Biru

Mahato came out with a lathi and started assaulting Shri Yadav. He has stated that he became helpless and received bleeding injuries over his body. It had become dark and he fell down semi unconscious. Taking him to be dead they dragged him for some distance near a bush but in the meantime there was flash of the head light of a vehicle. On seeing the said light the assailants thought that it was a vehicle of the police and fled away. At that moment Shri Yadav had some sense and thereafter he became completely senseless. Yogendra Singh attendance Clerk while passing by the said way identified Shri Yadav and informed Shri K. L. Singh Manager, Lohapatti colliery. Yogendra Singh had not seen the actual assault and he had arrived after the assailants had gone away. It will appear from the evidence of Shri Yadav that there was no other person who had seen him being assaulted by assailants.

We have therefore to see whether the evidence of Shri Y. N. S. Yadav is corroborated by the circumstances in the case. One Shri B. P. Yadav, Personnel Manager Area No. IX had gone to Lohapatti colliery on 12-1-1982 to take contract labour register at about 4.30 P.M. on 12-1-1982. He was in the office of Shri K. L. Singh Manager Lohapatti colliery. Both Shri B. P. Yadav and K. L. Singh have stated that Yogendra Singh who had gone to bring the register from No. 4 incline came running and told them at about 5.30 P.M. that some body had assaulted Yadav Sahib Asstt. Colliery Manager and have thrown him in bush. Shri K. L. Singh has stated that immediately he called for the security personnel and they proceeded towards the place of assault but in the way they found Shri J. N. S. Yadav being carried towards office with the help of two or three persons. Shri B. P. Yadav has also stated when they were going to the place of assault they found Shri J. N. S. Yadav coming with the help of three or four persons. They also saw injuries and bleeding on the person of Shri Yadav. They have also stated that Shri J. N. S. Yadav was unable to speak and thereafter the compounder was called who gave him first aid. Shri J. N. S. Yadav on being asked disclosed the name and stated that Biru Mahato and his associates had assaulted him and had dragged him towards the bush taking him to be dead. Shri B. P. Yadav and K. L. Singh have further stated that thereafter Shri J. N. S. Yadav was sent to Loyabad Central Hospital. Shri B. P. Yadav has stated that he went to the Mohuda police station where Shri K. L. Singh came. It will appear from the evidence of Shri B. P. Yadav and Shri K. L. Singh that an FIR was written by Shri B. P. Yadav and Shri K. L. Singh signed it, and lodged it at the Police station. It will appear from their evidence that Shri J. N. S. Yadav had received several injuries and was under shock and was not in his full sense although he was not complete senseless when he was brought to the office of the Manager, Lohapatti Colliery. The evidence of Shri B. P. Yadav and K. L. Singh therefore shows that Shri J. N. S. Yadav had disclosed the name of Biru Mahato as his assailant. There is no reason for to derose Shri B. P. Yadav and Shri K. L. Singh falsely against the concerned workman. There is nothing to show that they had any grudge against the concerned workman. The injured Shri J. N. S. Yadav also did not have any reason to falsely

implicate the concerned workman attributing him to be the assailant. At best it appears from the evidence that Shri J. N. S. Yadav used to say the concerned workman to do his work properly for this the concerned workman may have a grudge against Shri J. N. S. Yadav but Shri J. N. S. Yadav had no grudge against the concerned workman on that account so as to falsely implicate him in this case. In fact it appears that the concerned workman had a grudge against Shri J. N. S. Yadav leading to the assault on Shri J. N. S. Yadav.

Shri B. N. S. Tewary is CISF Jawag. He had just returned from duty when a person came to him and told him that Yadav sahib has been assaulted near the village and asked him to go there at once. He has stated that on getting this news the Jawans ran towards the place of assault but in the way they saw Shri J. N. S. Yadav being taken with the help of some persons near the office. He saw injury on the head of Shri Yadav which was bleeding. He has stated that he had not seen any person assaulting but Shri J. N. S. Yadav. He has further stated that Shri J. N. S. Yadav did not disclose the name of the assailant in his presence. It appears from his cross-examination that he was present there till Shri J. N. S. Yadav was sent to the hospital but it does not appear from his evidence that he was present although near Shri J. N. S. Yadav and as such it is quite possible that Shri J. N. S. Yadav had disclosed the name of the concerned workman as his assailant to Shri K. L. Singh and Shri B. P. Yadav when Shri Tewary was not there.

Shri C. D. Goswami is the compounder who had given first aid to Shri J. N. S. Yadav, Asstt. Manager at about 6 P.M. on 12-1-82. He has stated that Shri Yadav was unconscious when he had given first aid. He has also proved the entry in the register. The Register shows that the entry of first aid is mentioned in Sl. No. 276 of Ext. M-31. Shri C. D. Goswami had no doubt stated that when Shri J. N. S. Yadav was brought before him he was unconscious and that he was sent to Loyabad hospital in the same condition. It has been submitted that Shri J. N. S. Yadav remained unconscious throughout and as such he was not in a position to disclose the name of the concerned workman as his assailant in the office of the Manager, Loyabad colliery. As I have already stated with reference to the evidence of Shri K. L. Singh, B. P. Yadav that the injured Shri J. N. S. Yadav was brought with the help of two or three persons, it appears that Shri J. N. S. Yadav had actually came to the office on his foot being supported and helped by the two or three persons. Thus it cannot be said that Shri J. N. S. Yadav was unconscious in a very strict meaning of the word "unconscious". The said word is generally used lonely when one is not in his complete sense and the compounder also has stated about the unconscious of Shri J. N. S. Yadav in the same sense.

Shri K. L. Mohanti is a medical superintendent who has exhibited Loyabad Central Hospital outdoor ticket Ext. M-24 and some other exhibits. He has not stated about the facts of the offence.

Shri M. S. Haque was the Senior Personnel Officer of Lohapatti colliery. He has stated that Shri Yogendra Singh who had seen Shri J. N. S. Yadav lying injured and had informed the manager Shri

K. L. Singh and Shri B. P. Yadav could not be examined in the enquiry proceeding as he had been convicted in a case and had been dismissed from service. The judgement of the said case was also filed before the Enquiry Officer and marked as Ext. No. to show that Yogendra Singh and others had been convicted and sentenced to undergo imprisonment for three months under Section 147 and 323 IPC. As Shri Yogendra Singh has been dismissed from service by the management it was not possible for the management to produce Shri Yogendra Singh in the enquiry proceeding. Moreover, there is nothing to show that Yogendra Singh had actually seen Shri J. N. S. Yadav being assaulted by any one. Hence even if Yogendra Singh had been examined before the Enquiry officer he would not have thrown light on the person who had assaulted Shri J. N. S. Yadav. Non-examination of Shri Yogendra Singh before the enquiry officer is therefore of not much importance.

The FIR lodged by Shri K. L. Singh was marked as Ext. M-18 before the enquiry officer. It appears from this FIR that Shri J. N. S. Yadav had disclosed the name of the concerned workman Shri Biru Mahato as his assailant while he was being taken to hospital. The enquiry officer in his enquiry report has stated that the name of the concerned workman as assailant had not been disclosed in the FIR which obviously is an error committed by the enquiry officer as the name of Biru Mahato as assailant is clearly spelled out in the FIR.

The evidence discussed above shows that the injured Shri J. N. S. Yadav himself stated before the enquiry officer that Biru Mahato had assaulted him along with the others. He had also disclosed the name of the concerned workman to Shri B. P. Yadav and Shri K. L. Singh when he was in a position to speak. Shri B. P. Yadav and Shri Singh both stated before the enquiry officer that the injured Shri J. N. S. Yadav had disclosed the name of Biru Mahato as one of his assailants and accordingly the name of Biru Mahato was stated in the FIR which was lodged soon after at Mohuda P. S. when injured J. N. S. Yadav had been sent to Loyabad hospital I have already stated that the workmen do not challenge about the assault on Shri J. N. S. Yadav at the alleged time and place of occurrence. The above facts and circumstances lead to the only conclusion that the concerned workman Shri Biru Mahato had assaulted Shri J. N. S. Yadav.

The concerned workman in his statement before the Enquiry Officer had taken a defence that on 11-1-82 at about 7.30 or 8.00 A.M. he had taken casual leave for one day from Shri K. L. Singh, Manager and thereafter he had gone to the residence of his Mousa at Chas where he fell ill and could not attend his duty on 12-1-82 as he was admitted in the Civil Hospital for treatment. He has therefore stated that he could not have assaulted Shri J. N. S. Yadav as he was himself in the hospital. His explanation to the chargesheet dated 8-3-83 is marked as Ext.M-15 before the enquiry officer. It will appear from para-3 of the said explanation that on 11-1-82 he was ill and as such there was no question of his attending the duty on that day. This was his first statement which had come in light from the concerned workman in which it is stated that he was ill on 11-1-82 and as such he was unable to attend the duty on that day. Now in the subsequent statement before the enquiry officer he

has stated that on 11-1-82 at 7.30/8.00 he had taken casual leave from Shri K. L. Singh, Manager and had gone to Chas. But it appears from the explanation to the chargesheet that he was ill on 11-1-82 and as such there was no question of his going to duty on 11-1-82. If he was ill on 11-1-82 he could not have gone to Shri K. L. Singh, Manager for obtaining casual leave. The application of the concerned workman for casual leave for 11-1-82 is marked as Ext.W-1 by the enquiry officer. It is stated in this application that he was unable to do his duty on 11-1-82 due to urgent work at his house. It appears therefore that he was not ill on 11-1-82 and that he had taken leave for some urgent work at his house. The Manager Shri Sinha has stated that the casual leave was allowed to him for one day but he does not remember if the said order was written by him on Ext.W-1 on 11-1-82. Shri J. N. S. Yadav has stated that Biru Mahato did not come on duty on 11-1-82 but he came in the next morning and asked him to grant leave for yesterday which he had refused. Shri K. L. Singh, Manager has stated that to his knowledge he had not granted casual leave to the concerned workman on 11-1-82 and has further stated that on 12-1-82 at about 7.30 A.M. Biru Mahato had come to him for granting him leave for 11-1-82 but he had refused. He has further stated that the application Ext.W-1 bears his writing granting casual leave but the date is not in his writing. Anyway it appears that casual leave was granted to the concerned workman for 11-1-82 as Biru Mahato was to attend some urgent work at his house.

Biru Mahato produced photo copy of a prescription which has been marked as Ext.W-2 by the Enquiry Officer. It appears that medicines were prescribed on 12-1-82. The said prescription does not show if it was the prescription of the doctor of Chas Hospital. There is a note on the back of the prescription dated 13-1-82 that the patient may go home, and discharge. The concerned workman did not examine the doctor or any person from the Civil Hospital, Chas to show that the concerned workman was under the treatment of the doctor at Chas and that he was admitted in the hospital on 12-1-82. Ext.W-3 has been marked by the Enquiry Officer on the photo copy of a petition of the concerned workman dt. 18-2-83 to the Superintendent, Lahapatti Colliery it is stated that he has been falsely implicated and detained in jail. It is not disclosed in this petition that he was admitted in the hospital on 12-1-82 and as such the allegation that he had assaulted Shri J. N. S. Yadav on 12-1-82 could not be correct. The concerned workman had not disclosed prior to the start of evidence in the enquiry that he was admitted in the hospital on 12-1-82. The prescription Ext.W-2 produced by the concerned workman appears to be of a very doubtful nature. The concerned workman did not care to examine the doctor or any competent person to show that the concerned workman was admitted in the hospital on 12-1-82. He did not call for any register of the hospital to connect that the concerned workman was admitted in the hospital on 12-1-82 and was discharged on 13-1-82. In my opinion the defence taken by the concerned workman was belated one and it does not find support from any cogent and reliable evidence. The defence tried to be established by the concerned workman therefore does not appear to be true.

It is submitted on behalf of the concerned workman that neither Shri J. N. S. Yadav was on duty nor the concerned workman was on duty and that the alleged place of occurrence was also not the place of duty and as such the model standing orders for industrial establishment in coal mines is not applicable in the case of the present facts. Section 17 of the Model Standing Orders enumerates the misconduct. It's clause (r) deals with threatening abusing or assaulting of any superior or Co-worker. This act of misconduct is under the misconduct under Section 17 and does not state that it will be applicable only when it is committed during the office hours or at the place of work. Clause (d) of Section 17 deals with drunkenness, fighting or riotous or disorderly or indecent behaviour while on duty at the place of working. Thus clause (r) of Section 17 does not specify that the said misconduct should be done on duty place of work and denotes that it is not confined while on duty or at the place of work. This clause 17(r) is general and a workman will be covered for his act as misconduct if he assaults any superior officer. Moreover the evidence of Shri J. N. S. Yadav shows that while he was being assaulted the assailant were saying that let us see as to how Shri Yadav will take work from Biru Mahato. This in itself discloses the mind of the assailants and gives cause as to why they had assembled to assault Shri Yadav. It discloses that Shri Yadav was being assaulted as he wanted Shri Biru Mahato to do his work properly. Thus it is connected with the work and as such I hold that the act of the concerned workman is clearly covered under Section 17(r) of the Model Standing Order.

In the result, I hold that the action of the management of Lohapatti Colliery in Mohuda Area No. II of M/s. Bharat Coking Coal Limited, P. O. Mohuda, Distt. Dhanbad in dismissing from service Shri Biru Mahato, ex-Haulage Khalasi with effect from 1-10-1984 was justified and consequently he is not entitled to any relief.

This is my Award.

Dated 30-4-1986

I. N. SINHA, Presiding Officer
[No. L-20012]129/85-D-III(A)
A. V. S. SARMA, Desk Officer

नई दिल्ली, 22 मई, 1986

का.प्र. 2160.—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) वाला भाग 17 के अनुसरण में, केन्द्रीय सचिवालय लेबरटरी प्रौद्योगिक और प्रामाणीक विवादों के बीच अनुच्छेद में निर्विट प्रौद्योगिक विवाद में केन्द्रीय सचिव और प्रौद्योगिक अधिकारी, त. 1 वर्गाई के पंचाट को उनके कार्यालय को 6 मई, 1986 को प्राप्त हुआ।

New Delhi, the 22nd May, 1986

S.O. 2160.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Bombay, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Laboratory Superintendent, J. R. Hospital

Western Railway, Bombay and their workmen, which was received by the Central Government on the 6th May, 1986.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I AT BOMBAY

Reference No. CGIT-18 of 1985

PARTIES :

Employers in relation to the Management of Western Railway

AND

Their Workmen

APPEARANCES :

For the Management—Mr. P. R. Pai Advocate

For the Workmen—Workmen present in person

INDUSTRY : Railways STATE : Maharashtra
Bombay, dated the 14th day of April, 1986

AWARD

This reference is for determination of a very short question though the reference order is slightly clumsily worded and separated in two parts. The issue is only with regard to the action or punishment imposed on Shri Acharya of censure and reduction of 50 per cent wages and whether it is justified or otherwise, and if it is not justified then the relief to which Shri Acharya is entitled. The wages reduced were for the period from 19-5-1974 to 23-11-1974. It appears that the purported action was taken against Shri Acharya, who was then holding the post of a Laboratory Superintendent in JR Hospital, Western Railway Bombay, purporting to act under Rule 14 of the Railway Servants (Discipline and Appeal) Rules, 1968. He was dismissed from service w.e.f. 18th May, 1974. Thereafter Mr. Acharya preferred an appeal to the General Manager, Western Railway, who set aside the order of punishment and substituted in place of it an order of censure as also directing that his wages for the period of absence from duty, namely between 18th May, 1974 to 23-11-1974 to be treated as "period not spent on duty" and directing 50 per cent reduction in wages for that period. A review petition was also filed before the Railway Board, which failed. It is in these circumstances that the present reference has come to be made.

2. Now the action taken against Acharya purports to be one taken under RS (D&A) Rules Rule 14(2). That rule reads thus :—

14. Special procedure in certain cases—Notwithstanding anything contained in Rules 9 to 13—

(i)

(ii) Where the disciplinary authority is satisfied, for reasons to be recorded by it in writing, that it is not reasonably practicable to hold an inquiry in the manner provided in these rules; or

(iii)

The disciplinary authority may consider the circumstances of the case and make such orders thereon as it deems fit;

Provided that the Commission shall be consulted, where such consultation is necessary, before any orders are made in any case under this rule.

3. Several conventions have been raised before me, but in view of the material which is placed at the hearing and presented before me, I do not think it necessary to go into all these contentions. I will not therefore go into the question as to whether the appointing authority of Shri Acharya is Chief Medical Officer or otherwise and whether the order of dismissal passed by an officer lower in rank than Chief Medical Officer, namely, an Additional Chief Medical Officer is correct or otherwise;

4. As I pointed out and as will be seen from the words of Rule 14(2) that before an enquiry procedure as prescribed in Rule 9 of the Railway Servants (Discipline & Appeal) Rules, hereafter referred to as the Rules, is dispensed with, and the one under Rule 14 is adopted the disciplinary authority must "for reasons to be recorded in writing" come to a conclusion "that it is not reasonably practicable to hold an inquiry in the manner provided....." In other words, therefore, the disciplinary authority which is prescribed under the Rules has to come to a conclusion and record its reasons in writing, that it is "not reasonably practicable to hold an inquiry in the manner provided....."

5. Having regard to the order passed by the General Manager in appeal and the note of the Chief Medical Officer, it is quite clear that there are no reasons recorded in writing existing, so that an action under Rule 14(2) could be sustained. What the General Manager has said is that "I am most displeased that the original note recorded by CMO on the basis of which he decided that Shri Acharya should be dismissed, is missing." The Chief Medical Officer himself says he "had recorded a note at the time I passed order that Shri Acharya should be dismissed from service." It is common ground and admitted that no such note is forthcoming. We must therefore proceed on the hypothesis that no such note exists. If no such note exists, then there is no question of taking any further action under Rule 14(2) and the entire jurisdiction to proceed against the delinquent Railway employee under Rule 14(2) disappears. It is necessary to remember that the reasons will be justiciable and the conclusion and facts on the basis of which such conclusion is reached may also be justiciable, but that is not a question which can arise here, in the circumstances, when there is no order recorded in writing the disciplinary authority. The further prospect of examining the reasons and the fact on the basis of which the conclusion is reached is absent and not possible. In the circumstances, it must be held that taking action against Shri Acharya under Rule 14(2) is not supported by any order in writing recordedly the disciplinary authority and is not in accordance with the rules, and is not justified.

6. This has a consequence which strike and goes to the root of the further orders which have also been passed in this case. Having proceeded against Shri Acharya under Rule 14(2), in the absence of an order recording reasons in writing of the disciplinary authority to proceed against him under Rule 14(2), no further orders on the basis or assumption arising out

of any such order or proceeding can similarly be sustained. The order of the General Manager, thereafter, converting the order of dismissal into an order of censure coupled with an order reducing his wages for the period of absence by 50 per cent must also fail. It must fail alongwith the original action intended or purported to be taken under Rule 14(2). Similar is the fate and will be the fate of the order passed by the Railway Board on the review application.

7. Mr. Pai for the Railway contended that the initial order of dismissal, and the subsequent orders of the General Manager and the Railway Board on the Review Petitions and appeals have merged into one. In the ordinary circumstances, where the initiation of action or proceedings is with jurisdiction this contention may be acceptable. But in the circumstance that the very initiation of proceedings against Shri Acharya under Rule 14(2) suffers from a serious lacuna affecting its very survival any orders, which may be passed subsequently in such proceedings must fail.

8. I am unable to understand how in view of what the General Manager has said on the appeal, and on the basis of the note of Chief Medical Officer, the Railway Board could come to the conclusion and say on the review petition of Shri Acharya that it was satisfied that "the procedure as laid down in the RS(D&A) Rules, 1968, has been correctly followed in this case." Obviously, the Railway Board has overlooked a material infirmity and lacuna in the very proceedings against Shri Acharya in that the necessary orders under Rule 14(2) itself were not available and not in existence. Therefore, there were no "reasons" recorded in writing by the disciplinary authority, for all practical purposes. In the circumstances, the order of censure must fail alongwith the very initiation of the proceedings against Shri Acharya, as also the consequential order of reducing wages for the period 18-5-1974 to 23-11-1974 by 50 per cent, Mr. Acharya therefore would be entitled to be paid wages not paid to him, i.e. remaining 50 per cent, for the period from 18-5-1974 to 23-11-1974.

9. The result is that it must be declared that the order of 'censure' is bad and must be deemed to be non existant. Mr. Acharya must also be paid 50 per cent of his deducted wages for the period 18-5-1974 to 23-11-1974. Award accordingly.

R. D. TULPULE, Presiding Officer

[No. L-41012/12/85-D.J.I.(B)]

फा. प्रा. 2161.—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रत्युत्तर में, केन्द्रीय सरकार भारतीय खाद्य नियम, नगपुर के प्रबंधनत्र से सम्बद्ध नियोजकों और उनके कर्तव्यों के बीच प्रत्युत्तर में निर्दिष्ट प्रौद्योगिक विवाद में केन्द्रीय सरकार प्रौद्योगिक अधिकारण, जबलपुर, के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-5-86 को प्राप्त हुआ था।

S.O. 2161.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur (M.P.) as shown in the Annexure, in the industrial dispute between the employers, in relation to the management of Food Corporation of India, Nagpur and their workmen, which was received by the Central Government on the 7th May, 1986.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(75)1985

PARTIES :

Employers in relation to the management of Food Corporation of India, Nagpur and their workman Shri Gangadher Ramlal Thakur, Casual Labour, Sai Nagar, Naka, Amravati (M.S.)

APPEARANCES :

For Workman—None.

For Management—Shri V. K. Alkari

INDUSTRY : Food Corporation

DISTRICT : Amravati (M.S.)

AWARD

Dated : April 28, 1986

In exercise of the powers conferred by Clause (d) of Sub-section (1) of Sub-Section (2A) of Sec. 10 of the Industrial Disputes Act, 1947 the Central Government has referred the following dispute for adjudication vide Notification No. L-42012(6-A)/85-D.V, Dated 29th August, 1986 :—

“Whether the action of the management of Food Corporation of India, Nagpur in terminating the services of Shri Gangadhar Ramlal Thakur Casual Labour, Amravati Depot with effect from 11-6-1984 is legal, just and fair ? If not, to what relief the workman is entitled ?”

2 On receipt of the aforesaid reference order parties were noticed to file their statement of claims. But before filing the written statement the workman concerned Shri G. R. Thakur sent an application by post intimating this Tribunal that he does not wish to pursue his matter. Next date i.e. 24-2-1986 was therefore fixed for filing the compromise petition and its verification. On 24-2-1986 workman Shri G. R. Thakur appeared personally but the management's representative filed the statement of claim and stated that the management wants to contest the case. Workman was thereafter given an opportunity to file his written statement on 25-2-1986. But the workman did not turn up on 25-2-1986. Another opportunity was given to him to file his statement of claim and documents on 22-4-1986. The workman concerned Shri Thakur again sent a letter dated 10-3-1986 by post stating that since he has joined on 24-5-1984 he does not wish to make any further step against Food Corporation. This fact is also confirmed by the management in their written statement of claim as well as by Shri V. K. Alkari management's representative on 22-4-1986.

3. In view of the above facts it appears that the workman concerned has not filed his statement of claim and documents.

4. Looking to the present circumstances of the case I answer the reference in affirmative. Parties will bear their own costs.

V. S. YADAV, Presiding Officer

[No. L-42012(6-A)/85-D.II(B)]

का.आ. 2162.—ग्रीष्मोणि किवाद अधिनियम, 1947 (1947 का 14) का पाना 17 के अनुसरण में, केन्द्रीय सरकार इकात तथा तार पिलात विवेदम-23 के उचित नियोजकों और उनके संसंघारों के बीच प्रत्युत्तर में निरिष्ट ग्रीष्मोणि किवाद में केन्द्रीय सरकार ग्रीष्मोणि अधिनियम, मद्रास के पंचायत को प्रक शिक करती है, जो केन्द्रीय सरकार का 2-5-85 को प्राप्त हुआ था।

S.O. 2162.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Post and Telegraph Department Trivandrum-23 and their workmen, which was received by the Central Government on the 2nd May, 1986.

BEFORE THIRU FYZEE MAHMOOD, B.Sc., B.L., PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

(Constituted by the Central Government)

Monday, the 28th day of April, 1986

Industrial Dispute No. 17 of 1986.

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of District Manager (Telephones), Trivandrum.)

BETWEEN

The workmen represented by

The Chairman,

P & T P.M.R. Workers' Union,

i N.T.U.C. Office, T.C. No 28/1985 Vandhiyoor, Trivandrum-35.

AND

The District Manager (Telephones), Telephones District, P & T Department Trivandrum-23

REFERENCE :

No. L-40011(8)135-D.II(B), dated 18-2-1986 of the Ministry of Labour, Government of India New Delhi.

This dispute coming on this day for final disposal upon perusing the reference and other connected papers on record and upon hearing of Shri G. Rajan, Central Government Pleader appearing for the Management and the Union being absent, this Tribunal made the following

AWARD

This dispute between the workmen and the Management of District Manager (Telephones), Trivandrum arising out of a reference under Section 10(1)

(d) of the Industrial Disputes Act, 1947 by the Government of India in its Order No. L-40011(8)|85-D.II(B), dated 18-2-1986 of the Ministry of Labour for adjudication of the following issue :

"Is the P & T P.R.R. Workers Union, Trivandrum is justified in making the following demands against the District Manager, Telephones, Trivandrum, if justified to what relief the workmen are entitled ?"

1. Enhancement of wages of casual labour known as Personnel Muster Roll Workers.
2. Payment of Overtime wages to the Casual Labour (Personnel Muster Roll Workers) at double the rate of ordinary wages.
3. Regularisation of casual labour (PMR Workers) on the basis of seniority.
4. Publication of seniority list of casual labour (P.M.R. Workers).
5. Fixation of work load of casual labour (PMR Workers).

(2) Summons were issued to the parties for the hearing on 1-4-1986.

(3) On 1-4-1986, Management was represented by Central Government Pleader. Union was not represented. However, a telegram was received from the Union for adjournment. The case was adjourned to 28-4-1986 for filing claim statement.

(4) Today, when the dispute was called, Union was absent and no representation was made. No claim statement was filed.

(5) Hence the claim of the workmen is dismissed for default. No costs.

Dated, this 28th day of April, 1986.

FYZEE MAHMOOD, Industrial Tribunal
[No. L-40011(8)|85-D.II(B)]

का.प्रा. 2163.—गोपित विवरणिकम्, 1947 (1947 का 14) की धारा 17 के प्रत्यय में, केन्द्रीय सरकार देशीकाम फैसड़ी, शवार्ज (प.प्र.) के राज्यांतर में संबद्ध लियोहर्सन और उनके अधिकारों के बाग व्यापार में विद्युत प्रशिक्षण विभाग में केन्द्रीय शाहार प्रशिक्षण अधिकार, असल्टर कंपनी के प्रकारित करती है, जो केन्द्रीय सरकार को 7-5-86 को पालन करा था।

S.O. 2163.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur (M.P.) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom Factory, Jabalpur (M.P.) and their workmen, which was received by the Central Government on the 7th May, 1986.

BEFORE SHRI V.S. YADAV, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M. P.)

Case No. CGIT/LC(R)(26)|1985

Parties :

Employers in relation to the management of Telecom Factory, Jabalpur and their workmen S|Shri Baban Singh Ex-Fitter Genl, Gr. III, Rameshlaal Khatik, Ex-Mazdoor and S. C. Verma, Ex-Fitter Gr. I.

Appearances :

For workmen.—1. Shri P. S. Nair, Advocate, representing Shri S. C. Verma.

2. Shri R. K. Gupta, Advocate, representing S| Shri Baban Singh and Rameshlaal Khatik.

For management—Shri C. K. Sharma, Advocate.

INDUSTRY : Post & Telegraphs

DISTRICT : Jabalpur (M. P.)

AWARD

Dated : April 28, 1986

This is a reference made by the Govt. of India in the Ministry of Labour vide Order No. L-40012 (24)|83D. II(B) dated 4th April 1985 for adjudication of the following dispute :—

"Whether the action of the management of Telecom Factory, Jabalpur (M. P.) in dismissing from service (1) Shri Baban Singh Ex-Fitter Genl. Gr. III with effect from 25-1-1983 (2) Shri Rameshlaal Khatik, Ex-Mazdoor with effect from 25-1-83 and (3) in removing from service Shri S. C. Verma, Ex-Fitter Gr. I with effect from 31-1-83 is justified ? If not, to what relief are these workmen entitled ?"

2. Non-controversial facts of the case are that the three delinquent workmen S|Shri S. C. Verma, Fitter Grade I, Baban Singh Fitter General Gr. III and Rameshlaal Khatik General Mazdoor were employees of Telecom Factory Jabalpur. Some incident took place in the office of Shri S. Gupta, Manager, on 9th 10th and 12th June 1979 in which about thirty or more workmen alleged to have participated. Five of those workmen viz. these three delinquent officers Hazari Lal and Ramnath Mistry were charge-sheeted and a domestic enquiry was held against relating to incident of 10th June 1979 only by the Enquiry Officer, Shri J. B. Bharadwaj, A.D.G. (Departmental Inquiries) at Delhi. The charges against Shri S. C. Verma, Rameshlaal Khatik, Hazari Lal and Ramnath were as under :—

Charges against Shri S. C. Verma

Article 1.—"That said Shri S. C. Verma, T. No. 3115, while functioning as Fitter Genl. Gr. I in P & M Section on 10-6-79 took

part in unlawful agitation, wrongful confinement of Manager Shri S. Gupta wrongfully restraining his movements along with other workers as well as restraining the movement of some other officers and thus committed misconduct as per Clause 31(a) C.S.O.

Article 2.—That during the aforesaid period and while functioning in the aforesaid office, the said Shri S. C. Verma, T. No. 3115, behaved in a riotous and disorderly way, subversive to discipline, which constitute misconduct as per Clause 31 (i) of C.S.O."

Charges against Shri Ramesh Khatik, T. No. 3363, Mazdoor in the Storeyard Section of the Factory, Shri Hazarilal, T. No. 774, Chargeman in Galvanising Shop and Ram Nath, T. No. 792, Mistry (Galv) in Galvanising Shop were the same as against Shri S. C. Verma mentioned above. Charges against Shri Baban Singh was slightly different inasmuch as that he was also charged to organise an unlawful agitation, wrongful confinement of the Manager, Shri S. Gupta and inciting other workers to commit such offence as well as restraining the movements of some other officers. The Enquiry Officer after due enquiry found the charges brought home against S|Shri S. C. Verma, Baban Singh and Ramesh Khatik. Disciplinary authority therefore passed the order of dismissal against S|Shri Baban Singh and Ramesh Khatik and removal from service against Shri S. C. Verma. Charges against Hazari Lal and Ramnath were not found proved hence they were exonerated.

3. About this very incident of 10th June 1979 the matter was also reported to police and a case under Sec. 342 I.P.C. was registered against 11 of the employees including the present delinquent officers. They were tried in Criminal case No. 3152/79 in the Court of Shri J. K. S. Rajput, Judicial Magistrate, First Class, Jabalpur. Vide his Judgement dated 3-12-1981 learned Magistrate found that the prosecution has failed to prove the guilt and hence giving them benefit of doubt he acquitted them under Sec. 342 I.P.C. It is also not disputed that workers had demanded through their Union Gate No. 1 being kept opened between 11 p.m. and 11.30 p.m. for night shift workers which the Manager Shri S. Gupta was unable to concede on account of security reason.

4. The case of the workmen is that on 10th June 1979 the Union representative had gone to Shri S. Gupta, the Manager, on an appointment and they went with him to the conference hall where the discussion took place. However, the lights went off, As a result of heavy rains in Jabalpur the workers had to sit in the Chamber of the Manager because C.A.O. had refused to come and Manager was trying to contact the General Manager, Shri B. Nandi at Delhi on telephone.

5. The case of the management is based on the detailed allegations which are subject matter of the two charges reproduced above.

6. I framed the following issues and treated Issue Nos. 1 and 3 as preliminary issues. My findings on Issue No. 1 with my reasons are as under :—

ISSUES

1. Whether the management held a proper and legal enquiry against the workmen S|Shri Baban Singh Ex. Fitter, Ramesh Khatik, Ex-Mazdoor and S. C. Verma, Ex-Fitter ?
2. Whether the findings of the Enquiry Officer were justified on facts as well as in law ?
3. Whether the management was justified in awarding the punishment of dismissal from service (Shri Baban Singh Ex-Fitter, Gnl. Gr. III with effect from 25-1-83, Ramesh Khatik, Ex-Mazdoor with effect from 25-1-83 and removal of S. C. Verma, Ex-Fitter Gr. I from service with effect from 31-1-1983) ?
4. If not, to what relief are the workmen concerned entitled ?

Findings with reasons :—

7. Issue No. 1. —The workmen have challenged the legality and propriety of the domestic enquiry on various grounds but only three of them are pressed before me. I have perused the enquiry papers and heard parties.

8. The first contention of the workmen is that more than 30 persons alleged to have been involved in this incident but only five of them were charge-sheeted and out of them only three have been dismissed or removed from service. Thus the management has culminated in discrimination and unfair labour practice. In this connection, the management has pointed out that only the leaders of the agitation against whom there was specific evidence were charge-sheeted. For want of specific evidence against Shri Hazari Lal and Shri Ramnath the charges against them were not found proved. There was overwhelming evidence against Shri Baban Singh, Shri S. C. Verma and Shri Ramesh Khatik. Charges against them were grave hence they were meted out their penalty of dismissal/ removal from service. To my mind, the contention of the management is justified from evidence on record and it cannot be said that the present workers were discriminated or there was unfair labour practice.

9. The second contention of the workmen is that Shri S. C. Gupta, the Manager, who was alleged to have gheraoed and against him the alleged atrocities, riotous and disorderly behaviour was alleged to have been committed has not been examined. In this regard, the management has filed a letter of voluntary retirement of Shri S. Gupta dated 24th October 1980 which was accepted on 20th January 1981. On the basis of this voluntary retirement of Shri S. Gupta it has been contended that firstly it was not possible to call him, secondly he himself was so much afraid that if called he would not face the workers. To my mind, this is hardly a reasonable excuse. Shri S. Gupta was the most material witness in the case and at least attempts should have been made to procure his attendance but the record did not disclose that

any such attempt was made. Therefore the explanation appears to be without any basis and unacceptable. As already stated Shri S. Gupta was the main and most material witness in the case. His non-examination denied the delinquent officers the valuable right of cross-examining to find the truth. It is true that his report in this regard is proved by other witness but unless Shri Gupta was himself examined his report is worthless and it should have been ignored altogether. The Enquiry Officer, however, relied on his report stating that it is corroborated by the other witnesses. In fact, in the case of Shri Baban Singh it has been reproduced in extensive. This has caused prejudice to the defence.

10. Last but not the least it has been urged before me that the report of the police on the basis of which a case under Sec. 342 I.P.C. was registered against the eleven of the workmen was based on the same fact and incident dated 10-6-1979. Learned Magistrate after trial found them not guilty of the charges levelled against them. On behalf of the management it has been contended that the offence reported in Criminal Case is quite different from the misconduct with which these workmen were charged. I am unable to agree the offence alleged to the police which was the subject matter of prosecution and the alleged misconduct and disorderly behaviour and wrongful confinement etc. were based on the same facts of the alleged incident dated 10-6-1979. Therefore simply change of phrasology in the police case and the domestic enquiry will not help the management as has been held in the case of R. J. Divekar Vs. Union of India (1984 MPLJ p. 73). In the case of R. J. Divekar (*supra*) it has been held—

"When there is a substantial acquittal of the accused on a criminal charge, there should not be a departmental proceeding against him in respect of the same charge on the same facts unless there are present conditions like the acquittal being on a technical ground or establishing conduct which would make it unworthy of the said officer continuing in office etc."

Where a Loco Driver was acquitted on merits in a criminal proceeding and subsequently departmental proceeding against him based on the same charges were initiated and an order of removal was passed against him. The order was challenged under Article 226 of the Constitution of India.

Held, that the order deserved to be quashed. AIR 1959 M.P. 46, 1976 Lab. I.C. 811 & 1982 Lab. I.C. 1920 approved."

In the instant case no doubt the accused persons were given benefit of doubt but they were acquitted for want of legal evidence. The prosecution did not challenge this acquittal in the superior Court. As such it is found that once the workmen were acquitted on the same facts on 3-12-1981 the enquiry could not have been proceeded against them further till November 1982. In the case of Shankar Das Vs. Union of India (AIR 1985 SC 772) even the accused was convicted but he was given the benefit of Probation of

Offenders Act Sec. 12. It was held that the order of dismissal from service consequent upon conviction is not a disqualification within the meaning of Sec. 12. In the instant case, it is not the case that in criminal Court their conduct was held to be unworthy so as to disentitle them to remain in office.

11. Consequently I hold that the enquiry conducted by the management against the workmen was not legal and proper. It is, therefore, vitiated and is set aside. Issue No. 1 is decided accordingly.

12. Issue No. 3 :—In view of my finding above I hold that the punishment of dismissal/removal awarded to these three workmen cannot be sustained. It is therefore set aside.

13. The management has not made the necessary request in his written statement to prove the misconduct before this Tribunal. Therefore the same cannot be accorded to them in view of the Supreme Court decision in the case of Workmen of Firestone Tyre and Rubber Co. of India (P) Ltd. Vs. Management of Firestone Tyre and Rubber Co. of India (Pvt.) Ltd. (1973-I-LLJ p. 278).

14. As a result of my findings on Issue No. 1 and 3 the normal consequence will be that the workmen concerned are entitled to be reinstated.

15. Question arises whether they ought to be reinstated with full back wages and from what date? Reference was made by the Central Government on 4th April, 1985. Therefore to my mind workmen are entitled to back wages from the said date. Reference is, therefore, answered as under :—

That the action of the management of Telecom Factory, Jabalpur (M. P.) in dismissing from service (1) Shri Baban Singh Ex-Fitter Gr. III with effect from 25-1-1983 (2) Shri Ramesh Lal Khatik, Ex-Mazdoor with effect from 25-1-1983 and (3) in removing from service Shri S. C. Verma, Ex-Fitter Gr. I with effect from 31-1-83 is not justified. They are entitled to be reinstated from the date of dismissal/ removal with continuity of service, but they are entitled to back wages from 4th April 1985 with all the ancillary reliefs. No order as to costs.

V. S. YADAV, Presiding Officer
[No. L-4001224/83-D.II(B)]

का.पा. 2164:—भौतिक विकाद प्रधिनियम, 1947 (1947 का 14) की धारा 17 के प्रत्युमण में, केन्द्रीय सरकार भाइनेस फैब्री, चामोरीया के टार्गत से सम्बुद्ध तिरीकों पर उसके कार्यकारों के बीच प्रत्यंत्र में तिरिक्षा भौतिक विकाद में केन्द्रीय सरकार भौतिक प्रधिनियम, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-5-86 को प्राप्त हुआ था।

S.O. 2164.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur (MP) as shown in the Annexure, in the industrial

dispute between the employers in relation to the management of Ordnance Factory Khamaria, Jabalpur (M.P.) and their workmen, which was received by the Central Government on the 7th May, 1986.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(7)1985

PARTIES :

Employers in relation to the management of Ordnance Factory, Khamaria, Jabalpur and their workman, Shri Rameshwar Prasad Soni, Electroplator 'E' R/o Sri Radhika Jewellers, Mastana Showk, Ranjhi, Jabalpur (M.P.).

Appearances :

For workman.—Shri R. K. Gupta, Advocate.

For management.—Shri A. K. Chaube, Advocate.

INDUSTRY : Ordnance Factory

DISTRITC : Jabalpur (M.P.)

AWARD

Dated : April 30, 1986

By Notification No. L-14012(5)1984-D.II(B) dated 8th January, 1985 the Central Government in the Ministry of Labour has referred the following dispute to this Tribunal, for adjudication :—

"Whether the action of the management of Ordnance Factory, Khamaria, Jabalpur (M.P.) in removing Sri Rameshwar Prasad Soni, Electroplator 'B' from service with effect from 24-11-1983 (AN) is justified? If not, to what relief the workman concerned is entitled?"

2. Non-controversial facts leading to this reference are that Shri Rameshwar Prasad Soni was in employment of Ordnance Factory Khamaria, Jabalpur as an Electroplator and was in the employment of the management for 20 years. Party No. 1 workman was detailed for night duty on 13th/14th April, 1983 in E.D.S. Section. When mustering out of the factory through the Auxiliary Gate No. 7, he was searched by the official-in-charge of the Gate though nothing was found on his person yet it is alleged that he was carrying 0710 Kg. Kalai Powder concealed in between the seat of the cycle belonging to the workman. A departmental enquiry was ordered on 14-6-1983 and Shri A. S. Pundle, Works Manager was appointed as the Enquiry Officer. He conducted the enquiry and submitted his report on 15-9-1983 holding the following charges to have been proved :—

"Article I :—That the said Shri Rameshwar T. No. EDS/26 while functioning as Electroplator 'B' during the period from _____ is alleged to have committed gross misconduct viz;

- (i) Theft of Govt. property, (ii) Failure to maintain absolute integrity and (iii) Conduct unbecoming of a Govt. servant."

Article II :—Statement of imputations of misconduct or misbehaviour in support of the articles of charges framed against Shri Rameshwar O.F.K. T. No. EDS/26 Designation Electroplator 'B' :—

On 13/14-4-83, Shri Rameshwar, OFK, T. No. EDS/26/52650 was detailed for Night Duty in EDS Section from 0830 P.M. (on 13-4-83) to 0615 AM (on 14-4-83). It is alleged that at about 0615 hrs. (on 14-4-83), when the said Shri Rameshwar, T. No. EDS/26 was mustering 'OUT' of the Factory through the auxiliary Gate No. 7, he was touch searched by duty Durwan, Shri Ram Biswas, T. No. 80/200. Immediately thereafter, he was subjected to rigorous search inside the search room of Gate No. 7 by Guard Commander, L/NK Lalji, No. 8009031, DSC Pl. No. 253 in the presence of S/Shri O. D. Mishra A.W.M. (Orderly Officer on duty) A. K. Nigam, Supr./EDS, Kishan Singh Security Asstt. 'A' & Ram Biswas, Durwan T. No. 0/200, when he was found to be carrying 0710 Kg. Kalai Powder (Govt. Material) concealed in between the seat cover and seat of the cycle, were recovered from the said bicycle belonging to Shri Rameshwar T. No. EDS/26/52650."

The Disciplinary Authority accepted the finding and imposed penalty of removal from service vide order dated 24-11-1983. The applicant preferred an appeal which was also dismissed and conciliation proceedings having been failed before the Assistant Labour Commissioner (Central) Jabalpur, hence this reference.

3. The workman has challenged the enquiry proceedings on various grounds mentioned in the application. On the other hand, the management contended that the domestic enquiry was conducted in accordance with the procedure prescribed under C.C.S. (C.C.A.) Rules 1965. In view of the reference the following points arise for consideration :—

- (1) (a) Whether the enquiry is legal and proper
If not, whether the management is entitled to proof the same before this Tribunal ?
- (b) If not, whether the penalty inflicted is justified on facts of the case ?

- (2) Relief and costs ?

The management has filed the copies of departmental proceedings Ex. M/1 to Ex. M/13 which are admitted by the workmen.

Findings with reasons :

4. Point No. 1 (a) & (b) :—The main ground urged by the workman is that the management did not afford reasonable opportunity of defend himself. In this connection my attention is drawn to the order

issued dated 26-7-1983 (Ex. M|19). On this date the workman had made a request to change the defending employee i.e. Shri G. P. Mishra to Shri A. K. Singh. This request was accepted on the condition that enquiry will not be reopened. The second request was made to furnish the details of earlier enquiry, perhaps the preliminary enquiry report and its documents. This matter was kept for consideration by the Disciplinary Authority. The case was next taken up on 18th August 1983 on which date the prosecution evidence was closed and the delinquent officer was asked to enter upon his defence. No order was passed on the request of the delinquent officer to furnish him with the papers of preliminary enquiry. The delinquent officer entered on his defence and reiterated his defence citing various provisions of law and further stated that the copy of the charge-sheet has also not been furnished to him.

5. The plea of the management is that in his cross-examination answer to question no. 1 he was unable to state the occasion on which he had demanded the documents referred in his defence. The delinquent officer concerned says that he does not remember but he had asked for the same to the vigilance authorities and the enquiry officer.

6. In para 9 and 10 of the Enquiry Report dated 15-9-1983 the Enquiry Officer brushed aside this aspect of the matter simply on the ground of delay in asking for the same. The natural justice requires that the delinquent officer is to be furnished copies of charge-sheet and statement of facts constituting the misconduct and he is also to be furnished copies of the relevant documents, if demanded by the delinquent officer. Delay is no ground to refuse. The delinquent officer had asked for the same before the prosecution evidence was closed and also at the time he had entered on his defence. Not only this the co-worker Shri G. P. Mishra defending him refused to give his briefs and examine his defence unless the request is complied with but the Enquiry Officer took no steps to fulfil this least requirement of natural justice. Thus it is apparent that the delinquent officer has been denied reasonable opportunity to defend himself and this omission is sufficient to vitiate the whole proceedings as has been held in the case of State of U.P. Vs. C. S. Sharma (AIR 1968 SC. 158).

7. It is true that there was minor discrepancy in the statement of D.S.C. and Security Durban as to who took the search but the Enquiry Officer held that Laliram can safely be relied on this point. To my mind the discrepancy is not such as to bely the

evidence of the defence specially looking to the facts that the search of the cycle was taken later on when all concerned had assembled.

8. Lastly it has been urged that the disciplinary authority i.e. the General Manager did not pass the speaking order as is apparent from Ex. M|4 dated 24-11-1983. Ex. M|4 shows that except for endorsing the report of the Enquiry Officer the disciplinary authority gave no reasons for his findings. Such a non-speaking order is bad in law as has been held in the case of Bhagat Vs. Union of India (AIR 1967 SC 1606).

9. I this find that this domestic enquiry is vitiated for not having given reasonable opportunity to the delinquent officer to defend himself and for not passing a speaking order.

10. Question arises whether the management has to be given an opportunity to prove the same before this Tribunal. In the case of workmen of Firestone Tyre and Rubber Co. of India Ltd. Vs. Management of Firestone Tyre and Rubber Co. of India (1973-I-LJ 278) it has been held that if the opportunity is not sought at the proper stage this opportunity cannot be given to the management. In the instant case in his written statement no such prayer is made hence it cannot be allowed suo moto.

11. Consequently the order of removal from service dated 24-11-1983 is hereby set aside. As a normal rule once the removal order is found to be illegal and improper the workman is to be reinstated. The management has not shown any ground against it. He is thus entitled to be reinstated.

12. Next question arises whether he is entitled to full back wages I. am of the opinion that since the enquiry is held to be vitiated on technical ground and not on merits the workman is not entitled to back wages specially looking to the nature of allegation against him.

13. I, therefore, answer the reference as under : That the enquiry having been vitiated the action of the management of Ordnance Factory, Khamaria, Jabalpur (M.P.) in removing Sri Rameshwar Prasad Soni, Electroplator 'B' from service with effect from 24-11-1983 is not justified. He is entitled to be reinstated with continuity of service but without back wages. I make no order as to costs in the circumstances of the case.

V. S. YADAV, Presiding Officer
[No. L-14012/5/84-D.II (B)]
HARI SINGH, Desk Officer